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PORT COMMISSION

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SPECIAL MEETING
10:00 A.M., TUESDAY, JULY 22, 1997
FERRY BUILDING, SUITE 3100
SAN FRANCISCO, CALIFORNIA

AGENDA

1. **ROLL CALL**

2. **NEW BUSINESS / PUBLIC COMMENT**

   Public comment is permitted on any matter within Port jurisdiction, and is not limited to agenda items. Public comment on non-agenda items may be raised during New Business/Public Comment. Please fill out a speaker card and hand it to the Commission Secretary. If you have any questions regarding the agenda, please contact the Commission Secretary at 274-0406.

3. **EXECUTIVE SESSION**

   A. CONFERENCE WITH REAL PROPERTY NEGOTIATOR - *This session is closed to any non-City/Port representative.**

      1) Property: Port property located at Berry Street and Second Street (China Basin).
      Person Negotiating: Port representative: Douglas F. Wong, Executive Director
      Person Negotiating: City representative: Rudy Nothenberg, Special Assistant to the Mayor
      *San Francisco Giants Representative: Larry Baer, Executive Vice President

      Under Negotiation: ____ Price ____ Terms of Payment __✓__ Both
      An executive session has been calendared to discuss real property negotiations between the Port and San Francisco Giants, regarding the proposed ballpark. This is specifically authorized under California Government Code Section 54956.8.

   B. Vote in open session on whether to disclose Executive Session discussions (S.F. Admin. Code Sec. 67.14)

4. **ADJOURNMENT**

DISABILITY ACCESS

The Port Commission office is located on the third floor of the Ferry Building, Suite 3100. The Port office is wheelchair accessible. Accessible seating for persons with disabilities (including those using wheelchairs) will be available. The closest accessible BART station is Embarcadero Station located at Market and Steuart Streets. The closest accessible MUNI Metro station is Embarcadero station located at Market and Spear Streets. Accessible MUNI lines serving the Ferry Building are the 9, 31, 32 and 71. For more information about MUNI accessible services, call 923-6142.

There is accessible parking at the Ferry Building and at the public lot in the Embarcadero median in front of the Ferry Building. Assistive listening devices are available for use in the Port Commission Meeting.

The following services are available on request 72 hours prior to the meeting. Please contact Kevin Jensen at (415) 274-0555. Late requests will be honored if possible.

- American Sign Language Interpreters
- A Sound Enhancement System
- Large Print of the Agenda
- The use of a reader during the meeting
- Minutes of the Meeting in Alternative Formats

In order to assist the City's efforts to accommodate persons with severe allergies, environmental illnesses, multiple chemical sensitivity or related disabilities, attendees at public meetings are reminded that other attendees may be sensitive to various chemical-based products. Please help the City accommodate these individuals.

Know Your Rights Under the Sunshine Ordinance

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review. For more information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact the Sunshine Ordinance Task Force at 554-4851.

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Special
10:30

SAN FRANCISCO
PORT COMMISSION

SPECIAL MEETING
10:30 A.M., TUESDAY, JULY 22, 1997
FERRY BUILDING, SUITE 3100
SAN FRANCISCO, CALIFORNIA

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AGENDA

1. **ROLL CALL**

2. **EXECUTIVE**

   A. Approval of transaction documents for the development of a new ballpark for the San Francisco Giants at China Basin, including:

1)	Burton Act findings;	(Resolution No. 97-54)
2)	Lease Disposition and Development Agreement;	(Resolution No. 97-55)
3)	Ground Lease;	(Resolution No. 97-56)
4)	Non-Relocation Agreement & Guaranty; and	(Resolution No. 97-57)
5)	Purchase and Sale Agreement for a parcel owned by Caltrans and authorization to seek Board of Supervisors approval of a Supplemental Appropriation.	(Resolution No. 97-58)

NOTE: If you challenge in court any of the proposed actions in this section, you may be limited to raising only those issues you or someone else raised at this public hearing, or in written correspondence delivered to the Port Commission at, or prior to, this public hearing.

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4. **ADJOURNMENT**

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SAN FRANCISCO
PORT COMMISSION

JULY 22, 1997
MINUTES OF THE SPECIAL MEETING

TRANSCRIBED VERBATIM THROUGH
A CERTIFIED SHORTHAND REPORTER

MEMBERS, PORT COMMISSION

HON. MICHAEL HARDEMAN, PRESIDENT
HON. DENISE McCARTHY, VICE PRESIDENT
HON. FRANKIE G. LEE
HON. JAMES HERMAN

DOUGLAS F. WONG, EXECUTIVE DIRECTOR

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CITY & COUNTY OF SAN FRANCISCO
PORT COMMISSION

MINUTES OF THE SPECIAL MEETING
10:00 A.M., TUESDAY, JULY 22, 1997

(See Enclosed Minutes Transcribed Verbatim by a Certified Shorthand Reporter)

1. ROLL CALL

The meeting was called to order by Commission President Michael Hardeman at 10:07 a.m. The following Commissioners were present: Michael Hardeman, Denise McCarthy and James Herman. Commissioner Lee was not present.

2. NEW BUSINESS / PUBLIC COMMENT

3. EXECUTIVE SESSION

At 10:09 a.m., the Commission Secretary announced that the Commission will withdraw to executive session to discuss the following:

A. CONFERENCE WITH REAL PROPERTY NEGOTIATOR - ***This session is closed to any non-City/Port representative.****

1) Property: Port property located at Berry Street and Second Street (China Basin).
Person Negotiating: Port representative: Douglas F. Wong, Executive Director
Person Negotiating: City representative: Rudy Nothenberg, Special Assistant to the Mayor
*San Francisco Giants Representative: Larry Baer, Executive Vice President

Under Negotiation: ____ Price ____ Terms of Payment __✓__ Both
An executive session has been calendared to discuss real property negotiations between the Port and San Francisco Giants, regarding the proposed ballpark. This is specifically authorized under California Government Code Section 54956.8.

At 10:35 a.m., Commissioners Hardeman, McCarthy and Herman returned from executive session and convened in public session.

ACTION: Commissioner McCarthy moved approval; Commissioner Herman seconded the motion. All of the commissioners were in favor.

The meeting was adjourned at 10:36 a.m.

CITY AND COUNTY OF SAN FRANCISCO
PORT COMMISSION

MINUTES OF THE SPECIAL MEETING
10:30 A.M., TUESDAY, JULY 22, 1997

(See Enclosed Minutes Transcribed Verbatim by a Certified Shorthand Reporter)

1. ROLL CALL

The meeting was called to order by Commission President Michael Hardeman at 10:37 a.m. The following Commissioners were present: Michael Hardeman, Denise McCarthy and James Herman. Commissioner Lee was not present.

2. EXECUTIVE

A. Approval of transaction documents for the development of a new ballpark for the San Francisco Giants at China Basin, including:

1) Burton Act findings; (Resolution No. 97-54)

ACTION: Commissioner McCarthy moved approval; Commissioner Herman seconded the motion. All of the Commissioners were in favor; the resolution was adopted.

2) Lease Disposition and Development Agreement; (Resolution No. 97-55)

ACTION: Commissioner McCarthy moved approval; Commissioner Herman seconded the motion. All of the Commissioners were in favor; the resolution was adopted.

3) Ground Lease; (Resolution No. 97-56)

ACTION: Commissioner McCarthy moved approval; Commissioner Herman seconded the motion. All of the Commissioners were in favor; the resolution was adopted.

4) Non-Relocation Agreement & Guaranty; and (Resolution No. 97-57)

ACTION: Commissioner McCarthy moved approval; Commissioner Herman seconded the motion. All of the Commissioners were in favor; the resolution was adopted.

5) Purchase and Sale Agreement for a parcel owned by Caltrans and authorization to seek Board of Supervisors approval of a Supplemental Appropriation. (Resolution No. 97-58)

ACTION: Commissioner McCarthy moved approval; Commissioner Herman seconded the motion. All of the Commissioners were in favor; the resolution was adopted.

3. NEW BUSINESS / PUBLIC COMMENT

The meeting was adjourned at 10:58 a.m.

SAN FRANCISCO PORT COMMISSION

--oOo--

Port Commission

MICHAEL HARDEMAN, President
DENISE McCARTHY, Commissioner
JAMES HERMAN, Commissioner

In re:

DEVELOPMENT OF A NEW BALLPARK)
FOR THE SAN FRANCISCO GIANTS)
AT CHINA BASIN)
_____)

REPORTER'S TRANSCRIPT OF PROCEEDINGS

_____

Tuesday, July 22, 1997

Ferry Building, Suite 3100

San Francisco, California

CERTIFIED COPY

REPORTED BY: ANA M. DUB, CSR NO. 7445, RMR, CRR (64643)

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July 22, 1997 P R O C E E D I N G S 10:07 A.M.

--oOo--

PRESIDENT HARDEMAN: Madam Secretary?

SECRETARY QUESADA: Roll call.

Commissioner Michael Hardeman?

PRESIDENT HARDEMAN: Here.

SECRETARY QUESADA: Commissioner Denise McCarthy?

COMMISSIONER McCARTHY: Here.

SECRETARY QUESADA: Commissioner James Herman?

COMMISSIONER HERMAN: Here.

SECRETARY QUESADA: Item 2, new business/public comment.

PRESIDENT HARDEMAN: Ms. Weiss, if you'd please limit it to three minutes, and try not to be repetitive if you spoke last week.

MS. WEISS: I'll be one minute.

Good morning, Commissioners. I just want to urge you to pass this through, and hopefully that you settled all the kinks that were in it, and let's go.

Thanks.

PRESIDENT HARDEMAN: Thank you, Ms. Weiss.

Do we have any other speakers from the public?

Hearing none, going into, Madam Secretary?

SECRETARY QUESADA: Executive session, conference with real property negotiator.

PRESIDENT HARDEMAN: We shall return shortly.

(Recess taken.)

PRESIDENT HARDEMAN: Madam Secretary, can you please call the meeting to order?

SECRETARY QUESADA: Commissioner Michael Hardeman?

PRESIDENT HARDEMAN: Here.

SECRETARY QUESADA: Commissioner Denise McCarthy?

COMMISSIONER McCARTHY: Here.

SECRETARY QUESADA: Commissioner James Herman?

COMMISSIONER HERMAN: Here.

COMMISSIONER McCARTHY: I make a motion that we not disclose information discussed in executive session.

COMMISSIONER HERMAN: Second.

PRESIDENT HARDEMAN: All those in favor signify by saying aye.

COMMISSIONERS: Aye.

PRESIDENT HARDEMAN: Opposed?

Hearing none, so it shall be.

SECRETARY QUESADA: Roll call.

Commissioner Michael Hardeman?

PRESIDENT HARDEMAN: Here.

SECRETARY QUESADA: Commissioner Denise McCarthy?

COMMISSIONER McCARTHY: Here.

SECRETARY QUESADA: Commissioner James Herman?

COMMISSIONER HERMAN: Here.

SECRETARY QUESADA: Item 2A: Approval of transaction documents for the development of a new ballpark for the San Francisco Giants at China Basin, including: Burton Act findings, lease disposition and development agreement, ground lease, nonrelocation agreement and guaranty, and purchase and sale agreement for a parcel owned by Caltrans and authorization to seek Board of Supervisors' approval of a supplemental appropriation.

PRESIDENT HARDEMAN: Director Wong, could we hear comments from you, please?

DIRECTOR WONG: Good morning, President Hardeman, honorable members of the Commission, public. Good morning.

The transaction documents before you today are the same as those that we discussed at last week's

hearing with a couple of minor modifications that have been made to the rental adjustment provisions in Section 2 of the lease.

We have modified the lease to clarify that under no circumstances the rent will go below 1.2 million per year.

In addition, we have extended the period in which the CPI adjustments are taken into account to determine the floor and ceiling of the market rent.

Madam Secretary, I'd like to enter this -- submit this into record. It's the modifications of Section 2 of our lease this morning. Thank you.

Thank you, President Hardeman.

PRESIDENT HARDEMAN: Thank you, Director Wong.

Commissioners, do we have a motion on either 2A, Resolutions 97-54 through 97-58?

COMMISSIONER McCARTHY: So moved.

COMMISSIONER HERMAN: Second.

PRESIDENT HARDEMAN: Thank you, Commissioners.

We would now like to invite the public to speak on this item. The Commission would appreciate speakers limiting their testimony to matters that were not discussed at the Commission's last public hearing on

the ballpark transaction documents.

Extensive public comment was taken at our hearing last week, so we request the public refrain from making comments for a second time if those or substantially similar comments were previously made at the July 16th hearing and entered into the record. The Commission thanks you for your courtesy.

I would also like to remind you, everyone, your comments are limited to three minutes. At this time -- also, you would fill out a speaker card if you're interested in speaking.

At this time I would like to call on the representative of the San Francisco Giants, and that would be Jack Baer, Mr. Baer, to report on the resolution primarily with the labor unions.

MR. BAER: Good morning, Commissioner.

My name's Jack Baer with the San Francisco Giants. And I'm pleased to announce that we have met with Local 2. Michael Casey is here today. And we've reached resolution of all issues with Local 2.

And so I believe that Local 2 is here to support the ballpark at this time as well.

PRESIDENT HARDEMAN: Mr. Baer, any other comments, or you'd like to have Mr. Casey step forward at this time?

Okay. Mr. Casey, Mike Casey, a representative of Hotel and Restaurant Workers Local 2.

MR. CASEY: All right. Well, first of all, I want to thank the Commissioners for deferring the action today from last week in order to give the parties an opportunity to work out an agreement.

And our major concerns in this regarded whether or not, Number 1, employees would have an opportunity to be reemployed, which the Giants agreed to and we're grateful for.

Number 2, that there would be a smooth, easy process by which workers in the new ballpark would be able to organize in an environment free of coercion, called the Card Check Neutrality Agreement, and the Giants have also agreed to those terms, binding all subcontractors as well.

And then, finally, there is a process by which in the event there is a dispute at the ballpark, that through interest arbitration, we will be able to resolve that dispute without interfering with the operations and getting the kind of contract that we need to provide living wages, benefits and justice on the job for the employees.

And I want to recognize the Giants for their tenacity and hard work and commitment to making this

happen, as well as Volume Services, the concessionaire out there.

And yes, Local 2 is behind this project.

PRESIDENT HARDEMAN: Thank you very much.

Mr. Baer, any other comments?

MR. BAER: I'll defer other comments unless somebody has questions.

PRESIDENT HARDEMAN: Thank you very much.

Mr. Walter Johnson from the San Francisco Labor Council, who is the head of labor in San Francisco.

Mr. Johnson.

MR. JOHNSON: I came here prepared to make a fiery speech in order that we could make sure that all of the workers were properly protected. And then I am happy to hear the good news, of course, that all of the issues have been resolved and also the events. I think they were going to still have the 14 events.

So even though Jim Herman and I were prepared to parachute into the park at the next game, we decided to hold off on that and make sure that everything is going along very well.

And just want to thank and congratulate Local 2, the Giants, and all of the people for listening and working together. It was a good example.

And also, to the Port Commission for having the patience to wait, make sure that they had the opportunity to put it all together.

But there's a very important lesson here, and that is sometimes you get off the freeway of thought onto alternative highways and you can come to agreement if people will sit down and listen to each other.

And I was president part of the time, and I want to compliment all of the parties involved in this because it's a good example that the City of San Francisco is a city that knows how. Thank you very much.

PRESIDENT HARDEMAN: Thank you, Mr. Johnson.

And Mr. Johnson has worked very diligently on making sure that the ballpark did come to fruition, and he had to because I don't know of any other woman that is more of a baseball fan than Walter Johnson's wife. So he'd have a hard time around his own house.

MR. JOHNSON: That is true. I would not go home.

PRESIDENT HARDEMAN: Okay. Mr. Rick Mariano from the CAC.

Mr. Mariano?

MR. MARIANO: Thank you. I'm also here to say that since our last meeting where we left with the

difference of opinion, which was that our CAC was asking that the total full ballpark events be limited to ten and the Giants and some of the neighbors had agreed to 14, that in the intervening time, I repolled our CAC members and, frankly, urged them to accept the compromise position that had been worked out with some of the neighbors to allow up to 14 full ballpark events.

The basis for my plea to the CAC members to accept the compromise was really this: The real specifics that are going to be worked out as to neighborhood mitigations are not in your documents and they're not in the planning documents and they're not in the redevelopment documents and they're not in, really, correspondence with the Mayor's Office but, instead, are things that will be worked out in the next two years. These will very much depend upon good faith negotiations between all the parties, and all the parties are pledged to that.

And in light of that and the hard work that needs to happen in the next couple of years, what we just did is talk to the Giants and to the City again and said: That's where the rubber is going to really meet the road. We'd like to offer this first good faith chip and say that although we're not thrilled with 14 events, that we will support 14 events rather than ten, and on

the understanding that, again, what'll happen will be good faith negotiations for the next couple of years to really, really define the mitigations.

That kind of work will also involve your executive director and your Commission, as well as there are whatever there are, design changes and that sort of thing. And again, I've talked with Mr. Wong this morning, and I know that we'll have their cooperation as well.

So I know it's probably not as much fun to not have the cacophony and all that sort of stuff, but we're also here to say that we've made a deal and we'll live with it.

And I thank you very much for your consideration.

PRESIDENT HARDEMAN: Thank you, Mr. Mariano.

Ted Wang, Chinese for Affirmative Action.

Mr. Wang?

MR. WANG: Thank you, Commissioners.

My organization, Chinese for Affirmative Action, has always supported the building of this new ballpark. We support it not only because it brings a world-class baseball stadium to San Francisco, but because of the economic opportunities it offers to the residents of San Francisco, both in terms of business

opportunities and jobs.

We've been impressed by the document that the Giants put together. It's called the Diversity Plan. It was put together by The Jefferson Company, and it was circulated last week.

And it talks not only about the MBE and WBE program, but it also talks about affirmative action for the hiring of the work force that would actually build the stadium. It also talks about local hiring, making sure that some of these jobs go to San Franciscans.

It was represented to us as late as last week that those requirements would actually be incorporated into the documents that you're asked to approve today, the DDA and also the lease.

We were disappointed, in looking at the documents yesterday, that the employment provisions, those that applied to the construction of the stadium, the subcontractors and the general contractors who would build, are not required by anything in this particular document to have an affirmative action or local hiring goal.

The Giants have reassured us that they plan to go forward with the program regardless of what's in this document, but we would urge you to go ahead and approve this document on one condition and add one

condition.

And that one condition is that there be a statement -- and it can be a short one-sentence statement -- that indicates that the contractors, the general contractor and the subcontractors who are going to build the stadium will have affirmative action goals requirements. And it could be something as simple as that. But I think it's important to put this into a document, not only because it's binding, but it also represents a statement that the stadium and the jobs that go with it are open to all San Franciscans.

PRESIDENT HARDEMAN: Thank you for your comments, Mr. Wang. We will be responding to that after closing comments.

DIRECTOR WONG: After closing comments.

PRESIDENT HARDEMAN: Nancy Ellen from the Cheemah project. Oh, so you're on Item 3.

MS. ELLEN: Yeah, I'm on Item 3. I don't know if I'm ready yet.

PRESIDENT HARDEMAN: Okay. Item 3.

Do we have any other public speakers on Item 2A?

If we have no other speakers and public comment, then this item is closed.

I'd like to call on Director Wong at this

time.

DIRECTOR WONG: President Hardeman, John Rakow from the City Attorney's Office will be responding to it.

PRESIDENT HARDEMAN: Thank you.

Mr. Rakow?

MR. RAKOW: Mr. President, the nondiscrimination provisions in the DDA and the lease require that the Giants comply with Chapters 12(b) and (c) of the San Francisco Administrative Code. And we're confident that the Giants have made a good faith effort -- have made a good faith representation that they will have an affirmative action program meeting the community's requirements and concerns.

PRESIDENT HARDEMAN: Okay.

COMMISSIONER McCARTHY: I have a question. That is included in our vote today that they will, in fact, comply with 12(b) and (c); correct?

MR. RAKOW: Yes, Commissioner. That's in both of the documents before you.

COMMISSIONER McCARTHY: Okay. So the rest of this goes along with amendments around 12(b) and (c), and the diversity program, that is a separate document.

MR. RAKOW: The Giants have, as an exhibit to both documents, included voluntarily a program in

diversity. They have also made representations to the City that they are going to take that and further detail that program with The Jefferson Company and incorporate that into their program.

COMMISSIONER McCARTHY: I would strongly urge the Giants to carry that out. I understand where affirmative action is coming from, and this is a longstanding issue in the City, I think, especially the local hiring. And we've never been able to get it in any concrete fashion anywhere. I've worked on that myself for a number of years.

So I would just strongly urge, and I'd like to put it on record, that those be complied with.

PRESIDENT HARDEMAN: Commissioners, Commissioner McCarthy, do you have any comments on this item?

COMMISSIONER McCARTHY: No, I don't have any other questions.

PRESIDENT HARDEMAN: Commissioner Herman, do you have any comments on this item?

COMMISSIONER HERMAN: No.

PRESIDENT HARDEMAN: Or these items?

Commissioners, do we have a motion on Resolution 97-54, the approving the Burton Act findings?

COMMISSIONER McCARTHY: So moved.

COMMISSIONER HERMAN: Second.

PRESIDENT HARDEMAN: Any comments on this item?

Hearing none, all those in favor signify by saying aye.

COMMISSIONERS: Aye.

PRESIDENT HARDEMAN: Opposed?

Hearing none, so it shall be. Carried and ordered Resolution 2A 97-54.

Commissioners, do we have a motion on Item 97-55, approving the lease DDA as amended last week to include referral to the sewer project requested by CAC? Commissioners, with that amendment, do we have a motion?

COMMISSIONER McCARTHY: So moved.

COMMISSIONER HERMAN: Second.

PRESIDENT HARDEMAN: Any other comments or questions on this item?

Hearing none, all those in favor signify by saying aye.

COMMISSIONERS: Aye.

PRESIDENT HARDEMAN: So it shall be. Item 2A 97-55 carried and so ordered.

Did I ask for any opposed? Yes, I did, didn't I? Just want to make sure.

Any opposition? Hearing none, so it shall be.

Commissioners, do we have a motion on Resolution 2A 97-56, approving the ground lease?

COMMISSIONER McCARTHY: So moved.

COMMISSIONER HERMAN: Second.

PRESIDENT HARDEMAN: Any questions or comments?

Hearing none, all those in favor signify by saying aye.

COMMISSIONERS: Aye.

PRESIDENT HARDEMAN: Any opposed?

Hearing none, carried and so ordered, Item 2A 97-56.

Commissioners, do we have a motion on Resolution No. 97-57, approving the nonrelocation agreement?

COMMISSIONER McCARTHY: So moved.

COMMISSIONER HERMAN: Second.

PRESIDENT HARDEMAN: Any questions or comments on Item 97-57?

Hearing none, all those in favor signify by saying aye.

COMMISSIONERS: Aye.

PRESIDENT HARDEMAN: Opposed?

Hearing none, so it shall be. It's also carried and ordered. 2A 97-57 is approved.

Commissioners, do we have a motion on 97-58, approving Caltrans parcel acquisition?

COMMISSIONER McCARTHY: So moved.

COMMISSIONER HERMAN: Second.

PRESIDENT HARDEMAN: Do we have any comments or questions on this item?

Hearing none, all those in favor signify by saying aye.

COMMISSIONERS: Aye.

PRESIDENT HARDEMAN: Opposed?

Hearing none, so it shall carry. And Item No. 2A 97-58 is also approved.

Madam Secretary, please read No. 3.

SECRETARY QUESADA: Item 3, new business, public comment.

PRESIDENT HARDEMAN: We have -- we have our director -- not director -- our -- well, he's director of the -- he's the president of the Muni Commission. And I called him a liaison last time, and he basically said he's never been a liaison. He's always been in charge. So the person in charge for the Mayor's Office for the Giants, Rudy Nothenberg.

MR. NOTHENBERG: I am today less of a

liaison, Mr. Chairman.

I just wanted to -- I wanted to wait until public testimony was finished on these items just to express my gratitude and the gratitude of the Mayor on the Mayor's behalf to all of you, to your staffs, the City Attorneys for making this possible.

I think there's been a very long, very hard but, I think, very good faith attempt to make this work for the Port, to make it work for the City, and to make it work for the immediate community surrounding it.

And I join with Rick in hoping that the next two years will allow us to negotiate this in a way that will make everybody very proud of what you have just done. Thank you.

PRESIDENT HARDEMAN: Thank you, Mr. Nothenberg.

Commissioner McCarthy?

COMMISSIONER McCARTHY: Before everyone leaves, I would just like to especially thank the Port staff for their long hard year and a half of work and Director Wong and everyone. I mean, this was a really complex operation, and I think it was handled very, very well. Thank you all.

PRESIDENT HARDEMAN: Commissioner Herman?

COMMISSIONER HERMAN: I'm in concurrence with

what has been done. I hope that, in fact, now things work out well, that there is a degree of harmony that is the cornerstone of success. And I wish everybody good luck.

PRESIDENT HARDEMAN: Thank you, Commissioner.

Ms. Ellen, would you mind if I make my comments now before we go to public comment? Thank you.

Yeah. I just -- I'm totally elated. I just can't believe the deal that was put together, the fairness by the Giants going back to when this first started. To see that the public would have this kind of a deal, I would say 90 percent of the public would have voted for it because 10 percent are going to be against anything anyway. So it's just -- it was just tremendous that everybody was able to reach this consensus and have this good of a deal for everybody, for all the citizens of San Francisco.

And to Rudy Nothenberg and to Dean Maccris and to both the Baers, Larry and Jack, and John Yee, you know, wonderful. You guys have been great. I would hope that you could turn a -- I don't know how -- we can't figure out how you're going to turn a profit out there, but we would like -- we would hope that you can make some money so you can maintain the facility. We figure you've got to sell out every game.

UNIDENTIFIED SPEAKER: If you figure it out, let us know. Okay?

PRESIDENT HARDEMAN: We're delighted. It's wonderful. What an honor it is to be on this Commission to approve a type of deal like this. The only thing to compare with it would be the waterfront plan since I've been on this Commission that were two great deals for the citizens of San Francisco.

And staff of the Port who just worked so hard, Julie Van Nostern, who is not here, and John Rakow and Jessie from the Mayor's Office. Everybody that -- it's a wonderful thing. It's a great day for San Francisco. And thank you, everybody.

And we now go to public comment from Ms. Ellen, please.

Oh, and the Mayor. Mayor Brown, No. 1. He's the Number 1 guy because without him, this wouldn't have been pulled off. So the Mayor is definitely thanked on the record.

MS. ELLEN: On that happy note, everybody is leaving, we go to the project of donating a half-a-million-dollar bronze statute to San Francisco that we'd like to be as an international statue.

Maybe you've seen her at Rincon. This is a small detail, because she is 16 feet high and she is two

tons.

And we are looking for a site that's appropriate for her with the meaning that she stands for. And the artist would like to find a proper location that's very visible for everybody to see.

And any suggestions on a parcel? It can be a park or whatever you have in mind. I'd like to see it stay in San Francisco since I am a resident also.

But this is the one in the United States. There is now one in Germany, in Hamburg, at their international airport. And the next one is designated to go to South Africa, Johannesburg. So we hope to see them in Paris.

Osprey is the artist. She is a local artist. It was foundered in the Muse Foundry in Berkeley, and she was brought here in January. And since then, the international appeal has taken off. She would like to see eight editions placed around the world.

And Lufthansa is her sponsor, which it cost 18,000 to bring her from here to there, to Germany, her second edition. And they will sponsor her.

And anybody who else has it in their country will always be mentioned as part of the healing and coming together of this universe in the year 2000, which I think San Francisco stands for that, especially all

that's happened with the stadium and all the progress along the waterfront.

And I've seen that progress in the last eight years since I moved in the day -- October 1st, before the earthquake. And since then, it's been this rejuvenation of San Francisco. So I'm glad to be a part of it, and hopefully Cheemah can -- I can bring her here on behalf of the year 2000 and the artist Osprey.

So any comments, you can see me after, and proposals or suggestions, I would appreciate it.

Thank you for your time.

PRESIDENT HARDEMAN: Thank you.

COMMISSIONER McCARTHY: Thank you.

PRESIDENT HARDEMAN: Do we have any other speakers who have not filled out a card at this time that would like to speak? If not, then the public comment is closed.

Lastly, Kari Kilstrom, thank you, from the Port staff; Ben Kutnick from the Port staff, and Doug Wong for your leadership.

And, Commissioners, this meeting is adjourned.

(Whereupon, the proceedings were adjourned.)

--oOo--

CERTIFICATE OF REPORTER

I, **ANA M. DUB**, a Certified Shorthand Reporter, hereby certify that the foregoing proceedings were taken in shorthand by me, at the time and place therein stated, and that the said proceedings were thereafter reduced to typewriting, by computer, under my direction and supervision;

I further certify that I am not of counsel or attorney for either or any of the parties nor in any way interested in the event of this cause, and that I am not related to any of the parties thereto.

DATED: July 23, 1997.

Ana M. Dub

ANA M. DUB, CSR NO. 7445

SAN FRANCISCO
PORT COMMISSION

REGULAR MEETING
4:00 P.M., JULY 22, 1997
FERRY BUILDING, SUITE 3100
SAN FRANCISCO, CALIFORNIA

DOCUMENTS DEPT.
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AGENDA

1. **ROLL CALL**

2. **APPROVAL OF MINUTES** - June 24, 1997 Special & Regular Meeting
   - July 16, 1997 Special Meeting

3. **EXECUTIVE**

   A. Executive Director's Report

4. **MARITIME**

   A. Approval of Third Amendment to Non-Exclusive Management Agreement with Stevedoring Services of America at Piers 94-96, Cargo Way and Jennings Street. (Resolution No. 97-62)

5. **REAL ESTATE AND ASSET MANAGEMENT**

   A. Approval of lease with America True, Inc. at Pier 17. (Resolution No. 97-63)

   B. Approval of monthly Parking Stall Rate Schedule. (Resolution No. 97-64)

   C. Approval of Fifth Amendment to Option to Lease Property with the Redevelopment Agency of the City and County of San Francisco extending the Term of Option to Lease the Dolph P. Rempp and Java House Parcels located along the Embarcadero between King and Berry Streets, through July 31, 1999. (Resolution No. 97-65)

6. **FACILITIES & OPERATIONS**

   A. Approval of a Memorandum of Understanding with the Department of Building Inspection for planning, checking and building inspection tasks. (Resolution No. 97-66)

   B. Adoption of the proposed conceptual design for the Pier 98 Wetlands Enhancement and Public Access Project. (Resolution No. 97-67)

7. **PLANNING & DEVELOPMENT**

A. Approval of Final Design for the Mid-Embarcadero Roadway Project. (Resolution No. 97-68)

8. **FINANCE AND ADMINISTRATION**

A. Authorization for the Executive Director to negotiate an interest rate cap agreement to mitigate interest rate risk on the Port's loan to finance the Maintenance Facility Relocation Project and the Caltrans Acquisition Project. (Resolution No. 97-69) **THIS ITEM HAS BEEN TAKEN OFF THE CALENDAR**

9. **CONSENT CALENDAR**

A. Approval of amendment to lease with Bundox Restaurant, Inc., d.b.a. Waterfront Restaurant, at Pier 7-1/2. (Resolution No. 97-70)

B. Authorization for the Executive Director to seek approval from the San Francisco Board of Supervisors and subsequently sign a Lease Agreement with the State Lands Commission which requires the Port to indemnify the State Lands Commission. (Resolution No. 97-71)

10. **NEW BUSINESS / PUBLIC COMMENT**

Public comment is permitted on any matter within Port jurisdiction, and is not limited to agenda items. Public comment on non-agenda items may be raised during New Business/Public Comment. Please fill out a speaker card and hand it to the Commission Secretary. If you have any questions regarding the agenda, please contact the Commission Secretary at 274-0406.

11. **EXECUTIVE SESSION**

A. CONFERENCE WITH LEGAL COUNSEL REGARDING EXISTING LITIGATION MATTER:

1) Discuss existing litigation matter pursuant to subdivision (a) of California Government Code Section 54956.9 (one case)

(a) Proano v. CCSF; San Francisco Superior Court No. 979574

B. Vote in open session on whether to disclose Executive Session discussions (S.F. Admin. Code Sec. 67.14)

12. **ADJOURNMENT**

MEMORANDUM

PORT OF SAN FRANCISCO

July 17, 1997

Ferry Building
San Francisco, CA 94111
Telephone 415 274 0400
Telex 275940 PSF UR
Fax 415 274 0528
Cable SFPORTCOMM
Writer

TO: MEMBERS, PORT COMMISSION
Hon. Michael Hardeman, President
Hon. Denise McCarthy, Vice President
Hon. Frankie G. Lee
Hon. James Herman

FROM: Douglas F. Wong
Executive Director

SUBJECT: Approval of Third Amendment to Non-Exclusive Management Agreement with Stevedoring Services of America at Piers 94-96, Cargo Way and Jennings Street.

DIRECTOR'S RECOMMENDATION: APPROVE THIRD AMENDMENT TO THE NON-EXCLUSIVE MANAGEMENT AGREEMENT WITH STEVEDORING SERVICES OF AMERICA

BACKGROUND

The Port has had a contractual relationship with Stevedoring Services of America ("SSA") to operate the South Container Terminal at Piers 94-96 since the early 1980's. The current five year Non-Exclusive Management Agreement with SSA, dated August 25, 1993 ("Management Agreement"), commenced November 1, 1993, expires October 31, 1998, unless terminated by either party giving ninety (90) days' prior written notice. This management agreement, as is the industry standard, calls for payment by the Port of a management fee as compensation for performing the services of managing, operating and soliciting business for the facility.

In 1993, shipping business at Pier 94/96 cargo volumes exceeded 75,000 twenty foot container equivalent units. In subsequent years however, the Port experienced significant business reversals that decreased the amount of shipping business at Pier 94-96 to a fraction of that level thus taking away the necessary critical mass for profitable management of the terminal by SSA.

In order keep the terminal open, in June of 1995 the Port Commission approved a one-year amendment with SSA to increase the management fee to cover their expected losses in operating the terminal without the supporting volume of business. In FY 95/96 the actual management fee paid to SSA under this agreement was $464,000 against Port revenues generated at the facility of $537,000. In June 1996 the Port Commission approved another one-year interim management fee of $750,000 to cover SSA's losses during FY 96/97. In Fiscal Year 96/97 the facility generated revenues of $829,000.

During the two-year period of these management fees, Port marketing efforts have resulted in four new shipping companies returning to San Francisco. Pier 94/96 now has an annual volume of over 15,000 twenty foot container equivalents up from only 5,000 in FY 95/96.

THIS PRINT COVERS CALENDAR ITEM NO. 4A

In May 1997, the Port began negotiations with SSA to determine the financial arrangement required to maintain a full-service terminal operation in FY 97/98. After much analysis of SSA's profit and loss statements both by Port staff as well as Port auditors, it has become clear that in spite of continued increases in cargo volume, the costs of running a full service container terminal operating on a full-time basis will require an additional supplemental management fee for the Fiscal Year (July 1, 1996 to June 30, 1997). It is estimated that SSA could lose up to $1,200,000 from operating the terminal during the 1997-1998 Fiscal Year. Port staff estimates that $1,030,000 will be generated to the Port from shipping activity at the terminal in Fiscal Year 1997-1998.

PROPOSED AMENDMENT

It is proposed to amend the Management Agreement with SSA to allow the Port to continue to substitute an interim management fee for the existing fee, which would provide SSA the necessary funds, in arrears, to cover net operating losses during the first six months of the 1997-1998 Fiscal Year. These funds will be paid from a combination of revenues generated by keeping the facility operating and, if necessary any shortfall will be paid from the Port's operating surplus. The proposed amendment calls for the Port to meet with SSA in October of 1997 to attempt to negotiate the compensation to be paid Management Contractor from January 1, 1998 through June 30, 1998. In the event that the Port and SSA cannot reach an agreement by October 31, 1997 on the amount of compensation to be paid to Management Contractor after December 31, 1997, then either Party may at any time after October 31, 1997 and upon 30 days written notice elect to terminate the Agreement effective on or after January 1, 1998. This Third Amendment to the Management Agreement will contain the following provisions:

1. Management Fee: From July 1, 1997 through December 31, 1997, the Port will reimburse SSA up to a maximum fee of $600,000 for net operating losses, excluding corporate overhead and profit. SSA will provide monthly reports of revenue and expenses. These reports will be reconciled in October, 1997 and December, 1997, and the Port will disburse funds after the September, 1997 and December 1997 reports as necessary. SSA waives any other management fees provided in the Management agreement during this six month period.

2. Cancellation: Neither party may cancel the Management Agreement, except for cause, between July 1, 1997 and December 31, 1997.

Prepared by: Peter Dailey, Acting Director of Maritime

PORT COMMISSION
CITY AND COUNTY OF SAN FRANCISCO

RESOLUTION NO. 97-62

WHEREAS, Charter Section B 3.581 empowers the Port Commission with the power and duty to use , conduct, operate, maintain, manage, regulate and control the Port area of San Francisco; and

WHEREAS, under Charter Section B 3.581(g) leases and franchises granted or made by the Port Commission shall be administered exclusively by the operating forces of the Port Commission: and

WHEREAS, in the First and Second Amendment to the Non-Exclusive Management Agreement, dated August 25, 1993, the Port and Stevedoring Services of America ("SSA") agree to keep the facility open through an interim management fee which would cover SSA's costs incurred resulting from decreased business at the facility; and

WHEREAS, the Port desires to continue to keep the facilities at Piers 94-96 open and operating to retain and to expand cargo business; and

WHEREAS, The Port and SSA wish to continue the interim management fee to cover SSA's operating losses from July 1, 1997 through December 31, 1997: and

WHEREAS, SSA estimates that it would lose approximately $600,000 during this period; and

WHEREAS, the Port believes that with an aggressive implementation of its new marketing plan it can continue to increase the amount of cargo shipping activity and revenue at the facility: now therefore, be it

RESOLVED, the San Francisco Port Commission hereby approves the Third Amendment to the Non-Exclusive Management Agreement as described in the Memorandum for Agenda Item 4A for the July 22, 1997 Port Commission meeting and hereby authorizes the Executive Director of the Port to execute the same on behalf of the Port.

I hereby certify that the foregoing resolution was adopted by the Port Commission at its meeting of July 22, 1997.

_____
Secretary

PORT OF SAN FRANCISCO

Ferry Building
San Francisco, CA 94111
Telephone 415 274 0400
Telex 275940 PSF UR
Fax 415 274 0528
Cable SFPORTCOMM
Writer

MEMORANDUM

July 15, 1997

TO: MEMBERS, PORT COMMISSION
Hon. Michael Hardeman, President
Hon. Denise McCarthy, Vice President
Hon. Frankie Lee
Hon. James R. Herman

FROM: Douglas F. Wong
Executive Director

SUBJECT: Approval of Lease with America True, Inc. at Pier 17.

DIRECTOR'S RECOMMENDATION: APPROVE LEASE

BACKGROUND

In 1995, the San Diego Yacht Club lost the America's Cup to the Royal New Zealand Yacht Club. The next race for the America's Cup will therefore be held in Auckland, New Zealand in the year 2000. Two San Francisco Bay Area syndicates have been formed to mount separate challenges for the America's Cup in New Zealand, with the goal of bringing the America's Cup back to the United States and specifically to the Bay Area.

The St. Francis Yacht Club, located in San Francisco, is sponsoring the America One Challenge lead by Paul Cayard. America One plans to establish its compound at Pier 3 as a part of the maritime facility planned by Hornblower Yachts, Inc., for which the Port Commission granted Hornblower Yachts, Inc. an Exclusive Right to Negotiate Agreement at its May 27, 1997 meeting. The San Francisco Yacht Club, located in Belvedere, is sponsoring the America True Challenge, involving a coed team lead by Dawn Riley. The office for the America True Challenge is currently located in the World Trade Center, and the America True Challenge proposes to establish its compound at Pier 17 on the marginal wharf and in the front portion of the Pier 17 shed.

THIS PRINT COVERS CALENDAR ITEM No. 5A

PROPOSED LEASE

Tenant: America True, Inc., a California nonprofit corporation.

Premises: The Premises will be comprised of Initial Premises and Expansion Premises, which are discussed below. Tenant will be granted an Option to Expand the Premises to include the Expansion Premises, which must be exercised no later than April 1, 1998.

Initial Premises: Parcels A, B, and C, as shown in the attached Exhibit A, consisting of 2,878 sq. ft. of open marginal wharf space, 2,589 sq. ft. of first floor office/retail space in the Pier 17 shed building, and approximately 1,958 sq. ft. of second floor office space in the Pier 17 shed building.

Expansion Premises: Parcels D, E, and F, as shown in the attached Exhibit A, consisting approximately of 12,338 sq. ft. of open wharf space, approximately 255 sq. ft. of office space on the north apron, and approximately 8,656 sq. ft. of water area.

Term: The Lease term shall commence thirty days following the receipt of BCDC approval and shall expire on December 31, 2000. Tenant shall have the right to terminate the Lease after January 1, 1998, by giving the Port 90 days' prior written notice.

Use: Parcels A, D, and F shall be used only for storage, launching, mooring and display facilities for America's Cup Challenge yachts and for special events related to the America's Cup Challenge. Parcel B shall be used only for a maritime office uses and for a maritime retail store limited to the sale of merchandize directly related to the America True America's Cup Challenge. Parcels C and E shall be used only for maritime office uses and support facilities for activities permitted on the other parcels.

The uses planned by Tenant have undergone CEQA review, and Tenant has been granted a categorical exemption for these uses.

Parcels A and D, comprising the marginal wharf, are currently used for monthly parking. Parcels B and C (the former Scalers' Union offices) are in significant disrepair and have been vacant for many years, and Parcel E is currently a month-to-month non-maritime office tenancy.

Base Rent:

Initial Premises: $5,137.00 per month.

Expansion Premises: $2,170.00 per month.

Total Base Rent: $7,307.00 per month.

The Base Rent was calculated by applying to the various parcels comprising the Premises rental rates of $.15 per square foot for the marginal wharf, $1.25 per square foot for the first floor office/retail space, and $.75 per square foot for the second floor office space.

The Base Rent for the Initial Premises shall commence January 1, 1998, which will provide Tenant with a period of time to complete the design and construction of its improvements, as well as to partially offset the cost of improvements the Tenant plans to undertake to make the Premises usable.

Percentage Rent: 9% of all gross receipts from retail sales, offset by Base Rent.

Maintenance: Tenant shall be responsible for all maintenance to the Premises, including: (1) concrete deck and concrete pilings; (2) wharf surfaces; (3) fenders, launching and mooring facilities; (4) utilities; (5) interior walls, ceilings, floors, windows, and doors of Parcels B, C, and E; and (6) dredging, including Parcel F and all areas outside the boundaries of the Premises necessary to provide access to the Premises.

The Base Rent and terms proposed for this Lease are in conformance with the Leasing Parameters pre-approved by the Port Commission. Port Commission approval is needed because the Lease allows retail uses which require Port Commission approval.

Prepared by: Kirk W. Bennett, Sr. Property Manager, Northern Waterfront/Fisherman's Wharf

PORT COMMISSION
CITY AND COUNTY OF SAN FRANCISCO
RESOLUTION No. 97-63

WHEREAS, Charter Section B3.581 empowers the Port Commission with the power and duty to use, conduct, operate, maintain, manage, regulate and control the Port area of San Francisco; and

WHEREAS, under Charter Section B3.581(g) leases granted or made by the Port Commission shall be administered exclusively by the operating forces of the Port Commission; and

WHEREAS, Port Commission's approval is being sought for Lease #L-12423 between the Port and America True, Inc., the business terms of which are set forth in the Memorandum for Agenda Item 5A for the Port Commission meeting on July 22, 1997; now therefore, be it

RESOLVED, that the Port Commission hereby approves Lease #L-12423 between the Port and America True, Inc., which incorporates the business terms set forth in the Memorandum for Agenda Item 5A for the Port Commission meeting on July 22, 1997, and which is substantially in the form on file with the Secretary of the Port Commission for said agenda item; and the Port Commission hereby authorizes the Executive Director of the Port, or his designee, to execute this Lease #L-12423 on behalf of the Port in such final form as is approved by the City Attorney.

I hereby certify that the foregoing resolution was adopted by the Port Commission at its meeting of July 22, 1997.

_____
Secretary

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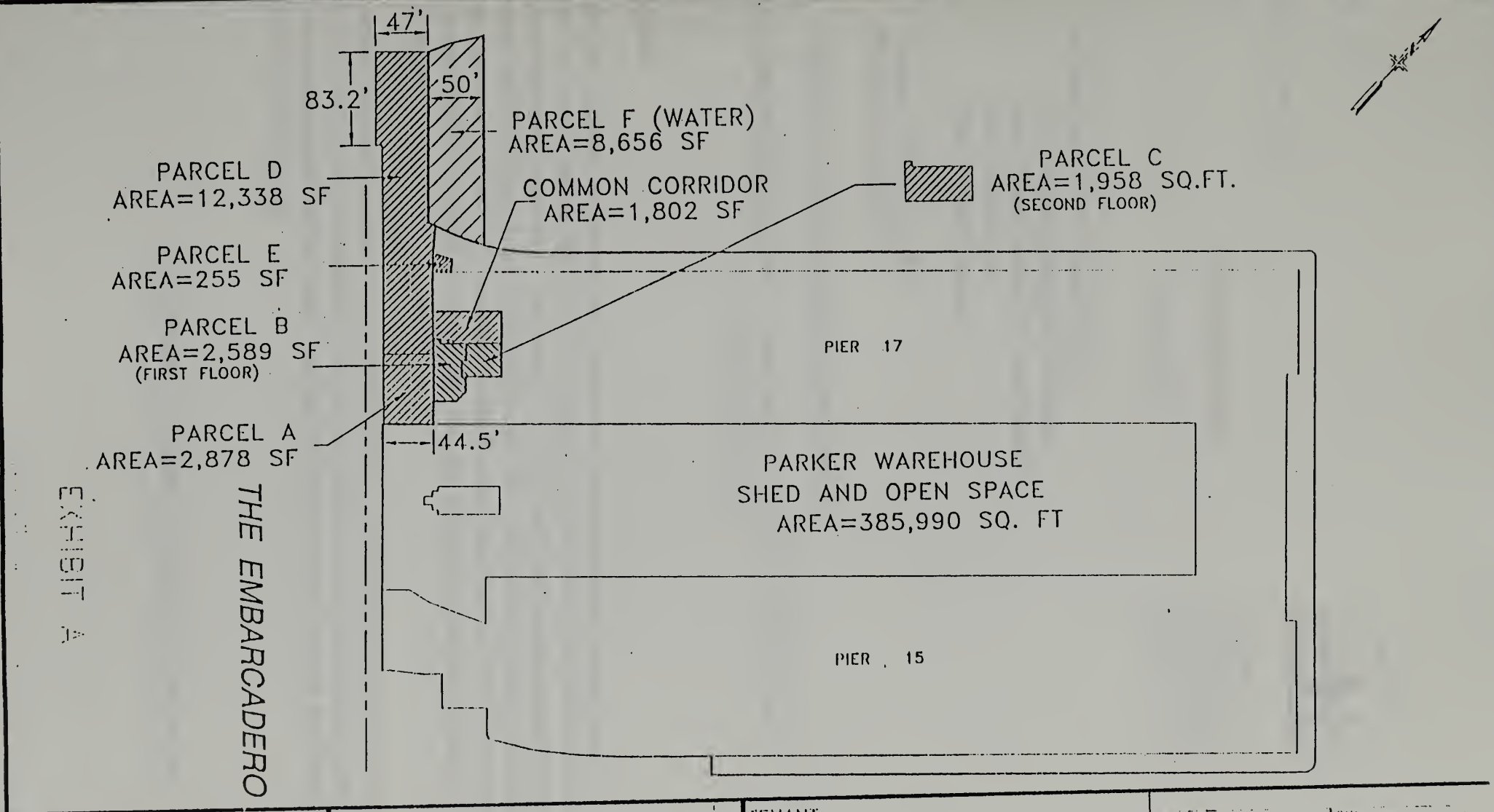

LEASE NO.	SAN FRANCISCO PORT COMMISSION PORT OF SAN FRANCISCO	TENANT: AMERICA TRUE	DRAWN BY: CHANG/ECC CHECKED BY: PLACE CODE NO. DATE: JUN 3, 1997 SCALE: NONE SHEET NO. OF 1 SHEET

PORT OF SAN FRANCISCO

Ferry Building
San Francisco, CA 94111
Telephone 415 274 0400
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Fax 415 274 0528
Cable SFPORTCOMM
Writer

MEMORANDUM

June 26, 1997

TO: MEMBERS, PORT COMMISSION
Hon. Michael Hardeman, President
Hon. Denise McCarthy, Vice President
Hon. Frankie Lee
Hon. James R. Herman

FROM: Douglas F. Wong
Executive Director

SUBJECT: Approval of monthly Parking Stall Rate Schedule.

DIRECTOR'S RECOMMENDATION: APPROVE MONTHLY PARKING STALL RATE SCHEDULE

BACKGROUND

The Port operates a number of parking facilities where it rents individual parking stalls on a monthly basis. A map is attached that shows the location of those facilities at which the Port currently offers this monthly parking. On October 27, 1993, the Port Commission approved a Monthly Parking Stall Rate Schedule by Resolution No. 93-142. This Monthly Parking Stall Rate Schedule was approved by the Port Commission with the understanding that Port staff would periodically present to the Port Commission for its review and approval revised rate schedules for this monthly parking.

Port staff recently conducted a survey of parking facilities which offer monthly parking off of Port property, but in the vicinity of the facilities on Port property where the Port rents monthly parking stalls. The survey determined that the monthly parking stall rates for most the Port facilities are less than the current market rates.

THIS PRINT COVERS CALENDAR ITEM No. 5B

PROPOSAL

Port staff recommends that the Port Commission approve new monthly parking rates as shown on the Parking Stall Rate Schedule, attached as Exhibit A, which indicates by facility the current monthly parking stall rates and the proposed new monthly parking stall rates. (Please note that this schedule indicates the parking rates charged parking permittees, which include the 25% parking tax that the Port passes through to the City).

This proposal will increase the monthly rates for most facilities by $30.00 - $50.00 per stall. While this represents increases of 20% - 38%, this is the first increase in almost four years, and consequently, the per annum increase for most spaces is in the range of 5% - 10%. The overall affect of the proposed changes in the Parking Stall Rate Schedule is to increase the total monthly revenue to the Port by approximately 24%, from $81,273 to $101,010, assuming no change in occupancy.

No increase is proposed at this time in the parking rates for Pier 3, in that this parking facility currently has a 14% vacancy rate, as compared to virtually no vacancy at the other facilities. No increase is proposed for the parking in Pier 45, Shed C, in that this facility supports the fish wholesalers and processors in Sheds B and D. These stall rates were set at a fair rate for this fishing industry support use, based upon a market survey conducted by Sedway & Associates to establish the rental rates for the fishing industry facilities at Pier 45. The parking rates proposed for Pier 17 and Pier 27, which will increase the rates to market, represent a 100% increase. This large increase results from the fact that, prior to 1993, the rates were significantly below market and were not therefore brought completely up to market in 1993. The parking rates proposed for Lots A, B, and C represent increases of only $20.00, or 13%, because the stalls in these lots were first rented only last year, after the roadway construction was completed. Finally, the parking rates proposed for SWL 303 in Fisherman's Wharf are at less than the market rates for this area, in that the proposed rates represent a 54% - 150% increase from the current rates. In addition, because the existing parking stall rates at SWL 303 were negotiated in conjunction with leases expiring at the end of this year, it is proposed that the increase in the parking rates for SWL 303 not be effective until January 1, 1998.

Port staff further recommends that it be authorized to grant discounts of 20% for entities leasing ten or more parking spaces, and Port staff further recommends that it also be granted the authority to grant discounts of up to 20% for individual parking stalls due to their configuration or location within a facility which makes them less desirable than other stalls in the same facility.

It should be noted that this Parking Stall Rate Schedule applies only to the parking facilities that the Port operates and rents individual parking stalls on a monthly basis. It does not apply to parking facilities which are leased in their entirety to an independent parking concessionaire. The

rent paid to the Port for such concessions are established by bidding these opportunities. This schedule also does not apply to parking lots which are leased to businesses on Port property for use by their customers and/or employees. The minimum rental rates for such facilities are established by the Leasing Parameters set by the Port Commission. Finally, this schedule does not apply to parking rates charged to Port employees.

Prepared by: Kirk W. Bennett, Sr. Property Manager, Northern Waterfront/Fisherman's Wharf

PORT COMMISSION
CITY AND COUNTY OF SAN FRANCISCO
RESOLUTION No. 97-64

WHEREAS, Charter Section B3.581 empowers the Port Commission with the power and duty to use, conduct, operate, maintain, manage, regulate and control the Port area of San Francisco; and

WHEREAS, under Charter Section B3.581(g) leases granted or made by the Port Commission shall be administered exclusively by the operating forces of the Port Commission; and

WHEREAS, Port staff has conducted a market survey of parking facilities which rent monthly parking stalls off of Port property in the vicinity of parking facilities which the Port operates and rents individual parking stalls on a monthly basis; now therefore be it

RESOLVED, the Port Commission hereby approves the Parking Stall Rate Schedule set forth in Exhibit A attached to this Resolution, and authorizes Port staff to negotiate discounts of up to 20% for entities leasing ten or more stalls and authorizes Port staff to negotiate discounts of up to 20% for individual stalls whose configuration or location within a facility makes the individual stalls less desirable than other parking stalls in the same facility.

I hereby certify that the foregoing resolution was adopted by the Port Commission at its meeting of July 22, 1997.

_____
Secretary

G:\WP51\AGENDAS\PARKING.KB\July 14, 1997

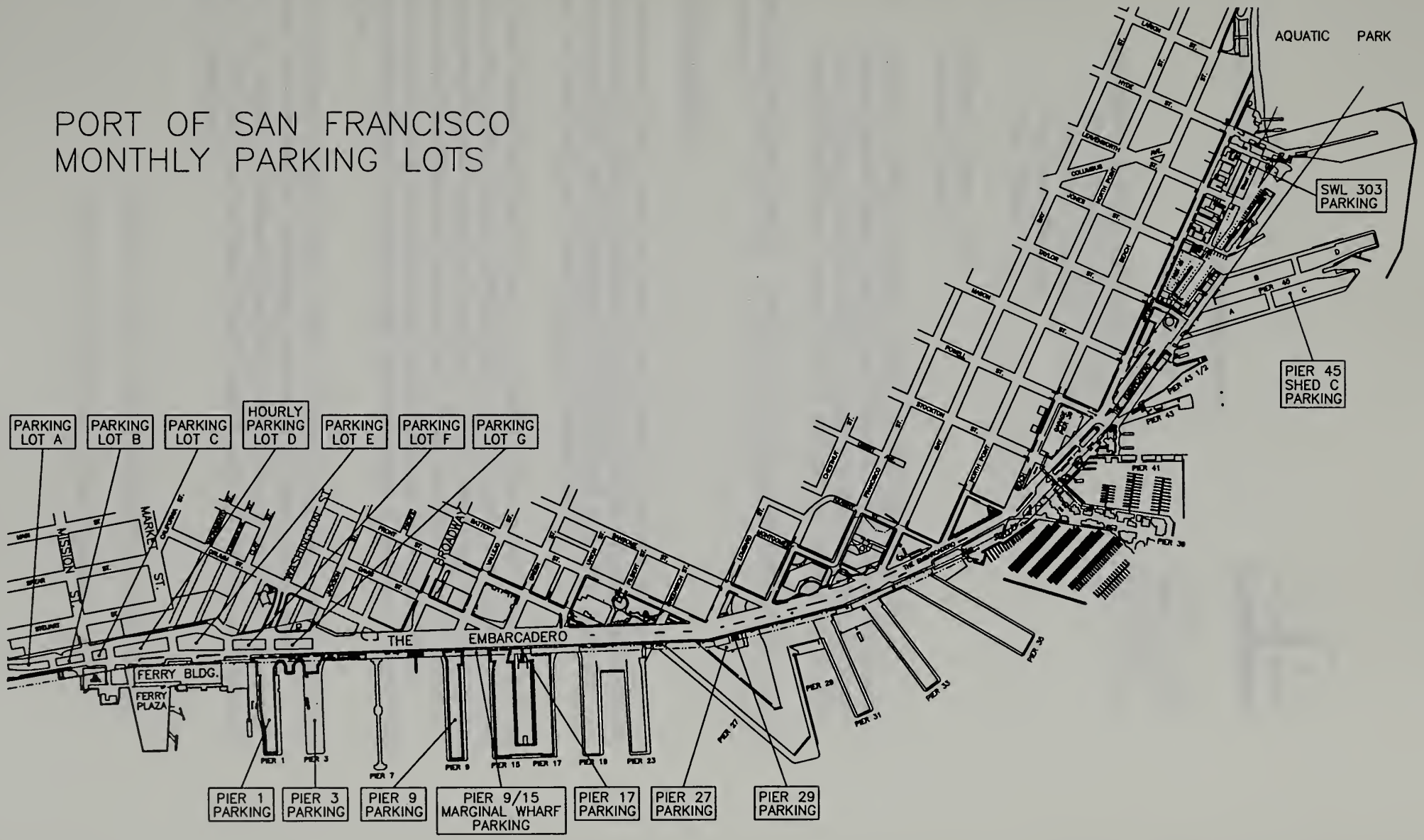
EXHIBIT A

PORT OF SAN FRANCISCO
MONTHLY PARKING STALL RATE SCHEDULE

Facility	Current Monthly Rate	Proposed Monthly Rate
Lots A, B, and C	$150.00	$170.00
Lot E	$150.00	$180.00
Lots F and G	$140.00	$180.00
South side of Ferry Building	$145.00	$180.00
Pier ½	$145.00	$180.00
Pier 1 (inside)	$150.00	$200.00
Pier 1 (motorcycle parking)	$20.84	$25.00
Pier 3	$115.00	$115.00
Pier 9 (inside)	$130.00	$180.00
Pier 9 (marginal wharf)	$115.00	$150.00
Pier 15 (marginal wharf)	$115.00	$150.00
Pier 17 (marginal wharf)	$75.00	$150.00
Pier 27 (valley)	$75.00	$150.00
Pier 29 (valley)	$95.00	$150.00
Pier 29 (motorcycle parking)	$20.84	$25.00
Pier 45, Shed C	$45.00	$45.00
SWL 303	$40.00 /$65.00	*$100.00

* Effective date: January 1, 1998

PORT OF SAN FRANCISCO
MONTHLY PARKING LOTS



PORT OF SAN FRANCISCO

MEMORANDUM

Ferry Building
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Telephone 415 274 0400
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Fax 415 274 0528
Cable SFPORTCOMM
Writer

July 16, 1997

TO: MEMBERS, PORT COMMISSION
Hon. Michael Hardeman, President
Hon. Denise McCarthy, Vice President
Hon. James Herman
Hon. Frankie G. Lee

FROM: Douglas F. Wong
Executive Director

SUBJECT: Approval of Fifth Amendment to Option to Lease Property with the Redevelopment Agency of the City and County of San Francisco Extending the Term of Option to Lease the Dolph P. Rempp and Java House Parcels located along the Embarcadero between King and Berry Streets, through July 31, 1999.

DIRECTOR'S RECOMMENDATION: APPROVE FIFTH AMENDMENT TO OPTION TO LEASE PROPERTY

I. BACKGROUND

The Port Commission ("Port") leases ten parcels of real property to the San Francisco Redevelopment Agency ("Agency") pursuant to an Option to Lease Real Property, numbered O-10898, dated September 26, 1984. The parcels, located in the South Beach area along the Embarcadero, are more particularly shown in Exhibit A attached hereto.

The Agency has exercised the Option to Lease on a number of occasions with respect to individual parcels, most recently for those portions of Parcels M-1 and M-2 located at Seawall Lots 336 and 335 respectively that were not required for the ballpark. To date, the Agency has leased all of the parcels subject to the Option except the Parcels within N-2 that are subject to the Port leases for the Java House and the Sailing Ship Dolph Rempp. Those parcels are subject to the South Beach/Rincon Redevelopment. The Agency would like to lease these to develop additional parking for the marina.

The Option is scheduled to expire on July 31, 1997. The Agency desires to extend the term of the Option to allow it to take down the Java/Rempp parcels when it is ready to commence construction. The proposed Amendment extends the termination date of the Option Agreement through July 31, 1999, as to the Java House/Dolph Rempp Parcels only. A copy of the proposed Amendment is attached hereto.

Prepared by: Neil H. Sekhri, Assistant Port General Counsel

THIS PRINT COVERS CALENDAR ITEM NO. 5C

PORT COMMISSION
CITY AND COUNTY OF SAN FRANCISCO

RESOLUTION NO. 97-65

WHEREAS, Charter Section B3.581 empowers the Port Commission with power and duty to use, conduct, operate, maintain, manage, regulate and control the Port area of San Francisco; and

WHEREAS, Under Charter Section B3.581(g) leases granted or made by the Port Commission shall be administered exclusively by the operating forces of the Port Commission; and

WHEREAS, The Port Commission and the Redevelopment Agency are parties to the Option to Lease Real Property, numbered O-10898 (the "Option"); and

WHEREAS, Port Commission approval is being sought for the Fifth Amendment to Option to Lease Real Property, a copy of which is on file with the Secretary of the Port Commission, which would extend the term of the Option through July 31, 1999, only with respect to portions of Parcel N-2 subject to the Port's leases with the Java House and the Sailing Ship Dolph Rempp; now, therefore, be it

RESOLVED, That the Executive Director is execute the Fifth Amendment to Option to Lease Real Property, and all such further documents necessary to effectuate its intent in such form as is approved by the City Attorney.

I hereby certify that the foregoing resolution was adopted by the Port Commission at its meeting of July 22, 1997.

_____
Secretary

I:\OPTION3.RES

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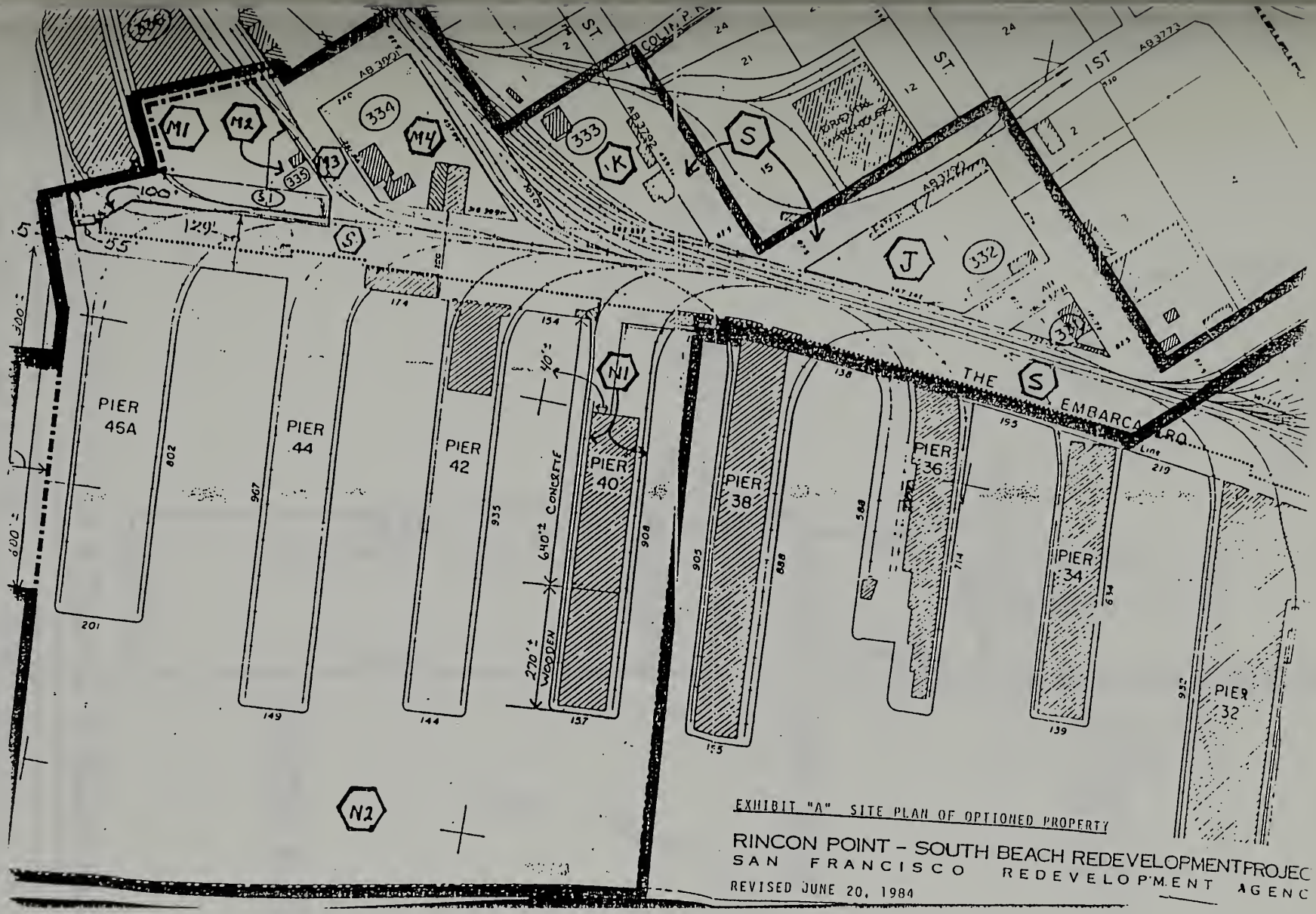
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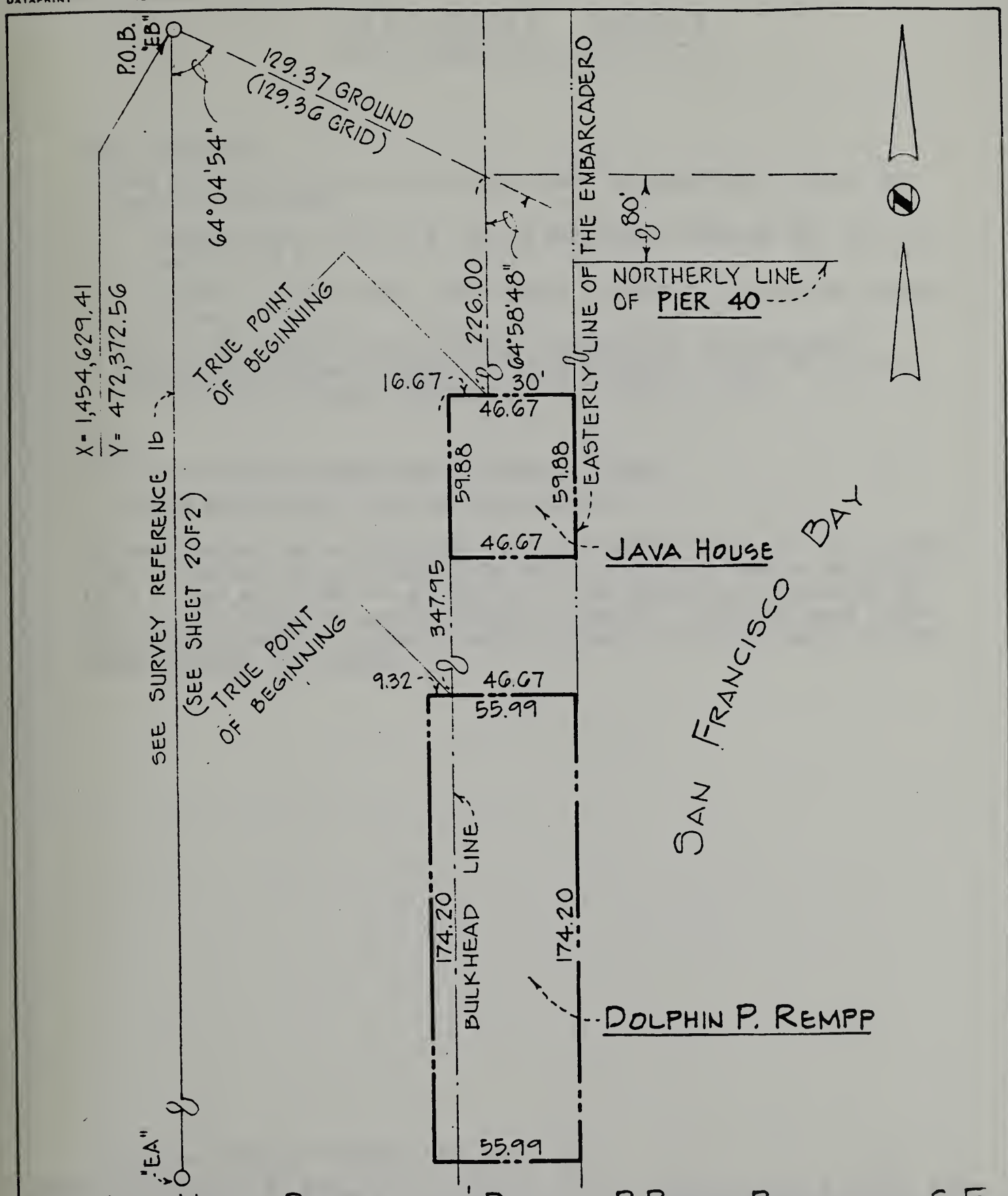
THE EMBARCADERO
1ST ST
EXHIBIT "A" SITE PLAN OF OPTIONED PROPERTY
RINCON POINT - SOUTH BEACH REDEVELOPMENT PROJEC
SAN FRANCISCO REDEVELOPMENT AGENC
REVISED JUNE 20, 1984

DATAPRINT N90729



SUBJECT JAVA HOUSE RESTAURANT & DOLPHIN P. REMPP RESTAURANT, S.F.

BY MIK CHKD. JS DATE 4-14-87 SCALE 1"=50' SHEET 1 OF 1 JOB NO S-1326

MARTIN M. RON ASSOCIATES, INC.

LAND SURVEYORS

604 MISSION STREET, SAN FRANCISCO, CA 94105 • (415) 543-4500

GENERAL NOTES

SURVEY REFERENCES

1. MAPS ON FILE IN THE OFFICE OF THE DEPARTMENT OF ENGINEERING, PORT OF SAN FRANCISCO, ENTITLED:

   A. "GENERAL SURVEY - BELT R.R. AND THE EMBARCADERO," DRAWING NOS. 6253-413-2 AND 6253-414-2.

   B. "SURVEY 'E,' EMBARCADERO, BERRY STREET TO BROADWAY," DRAWING NO. 6460-409 TO 414-1.

2. MAP OF "SAN FRANCISCO BAY, CALIFORNIA, HARBOR LINES, SAN FRANCISCO," PREPARED BY THE CORPS OF ENGINEERS, DATED FEBRUARY 13, 1948, IN THE OFFICE OF THE DISTRICT ENGINEER, DRAWING NO. 1-4-14, SHEET 7 OF 8.

NOTES

1. ALL ANGLES ARE 90 DEGREES UNLESS OTHERWISE SHOWN.

2. DETAILS NEAR PROPERTY LINES ARE NOT TO SCALE.

THE GRID BEARING FOR THE HEREIN DESCRIBED LINE FORMED BY "EB" AND "EA" IS SOUTH $3^{\circ}56'21"$ EAST AND THE GRID COORDINATES FOR SAID "EB," THE POINT OF BEGINNING, ARE X = 1,454,629.41 AND Y = 472,376.56, AS SAID BEARING AND COORDINATES ARE BASED ON THE CALIFORNIA LAMBERT PROJECTION, ZONE III. DISTANCES SHOWN HEREON ARE GROUND DISTANCES. TO CONVERT GROUND DISTANCES TO GRID DISTANCES, MULTIPLY GROUND DISTANCES BY .9999293.

SUBJECT JAVA HOUSE RESTAURANT & DOLPHIN P. REMPP SAILING SHIP RESTAURANT, S.F., CA.

BY MIK CHKD. JS DATE 4-14-87 SCALE 1"=50' SHEET 2 OF 2 JOB NO. S-1326

MARTIN M. RON ASSOCIATES, INC.
LAND SURVEYORS
604 MISSION STREET, SAN FRANCISCO, CA 94105 • (415) 543-4500

LEGAL DESCRIPTION OF PREMISES

ALL THAT CERTAIN REAL PROPERTY SITUATE IN THE CITY AND COUNTY OF SAN FRANCISCO, STATE OF CALIFORNIA, DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHERLY TERMINUS OF A LINE DESCRIBED AS "EB," THE SOUTHERLY TERMINUS OF SAID LINE IS DESCRIBED AS "EA," AS SAID LINE AND DESIGNATIONS ARE SHOWN ON THAT CERTAIN MAP ENTITLED "SAN FRANCISCO PORT AUTHORITY, PORT OF SAN FRANCISCO, DEPARTMENT OF ENGINEERING, SURVEY 'E,' EMBARCADERO, BERRY ST. TO BROADWAY," ON FILE IN THE OFFICE OF THE DEPARTMENT OF ENGINEERING, PORT OF SAN FRANCISCO; THENCE FROM SAID POINT "EB" AT AN ANGLE TO THE LEFT OF 64°04'54" FROM THE SAID LINE FORMED BY POINTS "EB" AND "EA" SOUTHEASTERLY 129.37 FEET TO A POINT, SAID POINT BEING THE INTERSECTION OF THE BULKHEAD LINE WITH A LINE THAT IS PARALLEL WITH AND PERPENDICULARLY DISTANT 80 FEET NORTHERLY OF THE NORTHERLY LINE OF PIER 40; THENCE DEFLECTING TO THE RIGHT 64°58'48" ALONG SAID BULKHEAD LINE SOUTHERLY 226.00 FEET TO THE TRUE POINT OF BEGINNING OF THE PARCEL TO BE DESCRIBED HEREIN; RUNNING THENCE AT A RIGHT ANGLE ALONG SAID BULKHEAD LINE WESTERLY 16.67 FEET; THENCE AT A RIGHT ANGLE ALONG SAID BULKHEAD LINE SOUTHERLY 59.88 FEET; THENCE LEAVING SAID BULKHEAD LINE AT A RIGHT ANGLE EASTERLY 46.67 FEET TO THE EASTERLY LINE OF THE EMBARCADERO; THENCE AT A RIGHT ANGLE ALONG SAID EASTERLY LINE NORTH 59.88 FEET; THENCE LEAVING SAID EASTERLY LINE AT A RIGHT ANGLE WESTERLY 30.00 FEET TO THE TRUE POINT OF BEGINNING.

AND CONTAINING 2795 SQUARE FEET OF LAND.

DOLPHIN P. REMPP

LEGAL DESCRIPTION OF PREMISES

ALL THAT CERTAIN REAL PROPERTY SITUATE IN THE CITY AND COUNTY OF SAN FRANCISCO, STATE OF CALIFORNIA, DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHERLY TERMINUS OF A LINE DESCRIBED AS "EB," THE SOUTHERLY TERMINUS OF SAID LINE IS DESCRIBED AS "EA," AS SAID LINE AND DESIGNATIONS ARE SHOWN ON THAT CERTAIN MAP ENTITLED "SAN FRANCISCO PORT AUTHORITY, PORT OF SAN FRANCISCO, DEPARTMENT OF ENGINEERING, SURVEY 'E,' EMBARCADERO, BERRY ST. TO BROADWAY," ON FILE IN THE OFFICE OF THE DEPARTMENT OF ENGINEERING, PORT OF SAN FRANCISCO; THENCE FROM SAID POINT "EB" AT AN ANGLE TO THE LEFT OF 64°04'54" FROM THE SAID LINE FORMED BY POINTS "EB" AND "EA" SOUTHEASTERLY 129.37 FEET TO A POINT, SAID POINT BEING THE INTERSECTION OF THE BULKHEAD LINE WITH A LINE THAT IS PARALLEL WITH AND PERPENDICULARLY DISTANT 80 FEET NORTHERLY OF THE NORTHERLY LINE OF PIER 40; THENCE DEFLECTING TO THE RIGHT 64°58'48" ALONG SAID BULKHEAD LINE THE FOLLOWING COURSES AND DISTANCES: SOUTHERLY 226.00 FEET; THENCE AT A RIGHT ANGLE WESTERLY 16.67 FEET; AND THENCE AT A RIGHT ANGLE SOUTHERLY 347.95 FEET TO THE TRUE POINT OF BEGINNING; RUNNING THENCE AT A RIGHT ANGLE LEAVING SAID BULKHEAD LINE WESTERLY 9.32 FEET; THENCE AT A RIGHT ANGLE SOUTHERLY 174.20 FEET; THENCE AT A RIGHT ANGLE EASTERLY 55.99 FEET TO THE EASTERLY LINE OF THE EMBARCADERO; THENCE AT A RIGHT ANGLE ALONG SAID EASTERLY LINE NORTHERLY 174.20 FEET; THENCE LEAVING SAID EASTERLY LINE AT A RIGHT ANGLE EASTERLY 46.67 FEET TO THE TRUE POINT OF BEGINNING.

AND CONTAINING 9753 SQUARE FEET OF LAND.

FIFTH AMENDMENT TO OPTION TO LEASE REAL PROPERTY

THIS FIFTH AMENDMENT TO OPTION TO LEASE REAL PROPERTY ("Amendment"), dated for reference purposes only as of July 8, 1997, by and between **THE CITY AND COUNTY OF SAN FRANCISCO**, a municipal corporation, acting by and through the **SAN FRANCISCO PORT COMMISSION** ("Port"), and **THE REDEVELOPMENT AGENCY OF THE CITY AND COUNTY OF SAN FRANCISCO**, a public body corporate and politic ("Agency"), is made with reference to the following facts:

RECITALS

A. Port and Agency entered into that certain Option to Lease Real Property on September 26, 1984, as amended by that First Amendment to Option, dated July 30, 1991, Second Amendment to Option to Lease, dated as of February 1, 1995, Third Amendment to Option to Lease, dated as of July 11, 1995, and Fourth Amendment to Option to Lease, dated as of August 29, 1995. The Option allows the Agency until September, 1995 to enter into leases of all or parts of ten defined parcels around South Beach Harbor in the Rincon Point South Beach Redevelopment Area.

B. The Agency has exercised the Option and entered into leases of all the parcels subject to the Option except for the portions of Parcel N-2 that are subject to the Dolph P. Rempp and Java House leases with the Port (the "Java/Rempp Parcels"). Section (1) of the Option states that the Option shall expire and all rights and privileges thereunder shall terminate at 5 p.m. Pacific time, on September 26, 1995 with respect to any of the real property or any portion or portions thereof for which it has not been exercised.

C. The parties extended the Option termination date with regard to Parcels M-1 and M-2 and the Java/Rempp parcels through July 31, 1996, pursuant to the Fourth Amendment to Option, and through July 31, 1997, pursuant to a letter agreement between the Port and the Agency, dated July 25, 1996. The Agency has exercised its option on Parcels M-1 and M-2 prior to the July 31, 1997 expiration date.

D. The Agency does not presently require the Java/Rempp parcels, but desires to retain the Option as to these parcels for construction of potential marina parking and desires to extend the term of the Option as to those areas.

NOW, THEREFORE, in consideration of the foregoing and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, Port and Agency hereby agree to amend the Option as follows:

AGREEMENT

1. **Recitals**. The foregoing recitals are true and correct and are incorporated herein by this reference.

2. **Amendment of Option**.

Section (1). Section (1) of the Option, regarding, entitled "Term of Option" is hereby amended to include the following sentence:

> Notwithstanding the foregoing, with respect to the portions of N-2 comprised of the Sailing Ship Dolph Rempp and Java House sites only, as shown on Exhibit A-1 attached hereto, this Option shall expire and all rights and privileges hereunder shall terminate at 5 p.m. Pacific time, on July 31, 1999, unless further extended in writing signed by both Port and Agency.

3. **Amendment of Exhibit A to Option.** Exhibit A-1 attached hereto is hereby added to the Option in order to more specifically show the portions of N-2 comprised of the Sailing Ship Dolph Rempp and Java House sites.

4. **Remaining Terms**. Except as expressly provided herein, all of the terms and conditions of the Option, shall remain unchanged and in full force and effect.

IN WITNESS WHEREOF, the parties hereto have executed this Amendment to Lease as of the date first set forth above.

PORT	**AGENCY**
CITY AND COUNTY OF SAN FRANCISCO, a municipal corporation, operating by and through the SAN FRANCISCO PORT COMMISSION	REDEVELOPMENT AGENCY OF THE CITY AND COUNTY OF SAN FRANCISCO
By:_____	By:_____
DOUGLAS F. WONG	
Executive Director	Its:_____

APPROVED AS TO FORM:

LOUISE H. RENNE
City Attorney

By:_____
NEIL H. SEKHRI
Deputy City Attorney

Port Commission Resolution
No._____

APPROVED AS TO FORM:

By:_____

Agency Commission Resolution
No._____

PORT OF SAN FRANCISCO

Ferry Building
San Francisco, CA 94111
Telephone 415 274 0400
Telex 275940 PSF UR
Fax 415 274 0528
Cable SFPORTCOMM
Writer

MEMORANDUM

July 16, 1997

TO: MEMBERS, PORT COMMISSION
Hon. Michael Hardeman, President
Hon. Denise McCarthy, Vice President
Hon. Frankie G. Lee
Hon. James Herman

FROM: Douglas F. Wong
Executive Director

SUBJECT: Memorandum of Understanding, between the Department of Building Inspection and the Port for plan checking and site inspection for the proposed China Basin Ballpark, and request for a supplemental appropriation to provide funding for this work

DIRECTOR'S RECOMMENDATION: AUTHORIZE THE EXECUTIVE DIRECTOR TO ENTER INTO A MEMORANDUM OF UNDERSTANDING WITH THE DEPARTMENT OF BUILDING INSPECTION FOR PLAN CHECKING AND SITE INSPECTION FOR THE PROPOSED CHINA BASIN BALLPARK, AND TO REQUEST A SUPPLEMENTAL APPROPRIATION TO PROVIDE FUNDING FOR THIS WORK

The Port is considering leasing Pier 46B and adjacent Port properties to the China Basin Ballpark Company ("CBBC") for development and operation of a new open-air waterfront ballpark stadium ("Ballpark") to exhibit San Francisco Giants Major League Baseball games. CBBC has contracted with Kajima International Inc. ("Kajima"), for development of the Ballpark. It is the Port's responsibility to issue a building permit to CBBC and to provide site inspection for the construction of this ballpark. Due to the size of the project, the volume of plans to check and the ambitious schedule of the project, the work is beyond the Port engineering staff resources to perform. In order to accomplish these tasks, the Port has requested the services of the Department of Building Inspection ("DBI") to assist the Port in performing these tasks under the Port's direction. To obtain DBI services, it is necessary to enter into an a memorandum of understanding ("MOU") between the Port and DBI. A copy of that MOU is attached.

THIS PRINT COVERS CALENDAR ITEM NO. 6A

For DBI assistance with the plan checking, the Port will work order to DBI the sum of either $252,184 or 65 percent of the plan checking amount collected from Kajima, whichever is greater. For DBI assistance with site inspection during construction, the Port will work order the sum of either $433,979 or 65 percent of the site inspection amount collected from Kajima, whichever is greater.

In order for the Port to expend the funds received from the CBBC and\or Kajima and provide an interdepartmental work order to DBI, the Port must request a supplemental appropriation through the Mayor and the Board of Supervisors. Staff therefore requests approval to process a supplemental appropriation in accordance with the attached form for the following:

CPO648-01 Plan Check	$252,184.00
CPO648-02 Inspection	433,979.00
TOTAL	$686,163.00

Staff requests approval of the MOU and approval to request a supplemental appropriation.

Prepared by: Cliff Jarrard
Chief Harbor Engineer

PORT COMMISSION
CITY AND COUNTY OF SAN FRANCISCO

RESOLUTION NO. **97-66**

WHEREAS, the Port is considering leasing Pier 46B and adjacent Port properties to CBBC for development and operation of a new Ballpark to exhibit San Francisco Giants Major League Baseball games; and

WHEREAS, CBBC has contracted with Kajima, for development of the Ballpark; and

WHEREAS, it is the Port's responsibility to issue a building permit to CBBC and to provide site inspection for the construction of this Ballpark; and

WHEREAS, due to the size of the project, the volume of plans to check and the ambitious schedule of the project, the work is beyond the Port engineering staff resources to perform; and

WHEREAS, in order to accomplish these tasks, the Port has requested the services of DBI to assist the Port in performing these tasks under the Port's direction; and

WHEREAS, this assistance from DBI requires an MOU between the Port and DBI to pay DBI for its services; and

WHEREAS, in order for the Port to expend the funds received from CBBC and\or Kajima and work order funds to DBI, a supplemental appropriation must be processed; now, therefore be it

RESOLVED, that the Commission authorizes the Executive Director to enter into a Memorandum of Understanding with DBI for plan checking for $252,184 and site inspection for $433,979 all in accordance with the conditions of said MOU; and be it further

RESOLVED, that the Commission further authorizes the Executive Director to request a supplemental appropriation for $686,163 to authorize payment to DBI for its services.

I hereby certify that the foregoing resolution was adopted by the Port Commission at its meeting of July 22, 1997.

_____
Secretary

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PACIFIC BELL PARK
MEMORANDUM OF UNDERSTANDING

THIS MEMORANDUM OF UNDERSTANDING ("MOU") dated June 1, 1997 is entered into by and between the San Francisco Department of Building Inspection ("DBI"), an agency of the City and County of San Francisco, and the San Francisco Port Commission ("Port"), an agency of the City and County of San Francisco.

RECITALS

A. Under the Charter of San Francisco, the administration and control of the real property transferred to the City and County of San Francisco by the State of California, including the area encompassing Pier 46B, is vested in the Port.

B. The Port is considering leasing Pier 46B and adjacent Port properties to China Basin Ballpark Company ("CBBC") for development and operation of a new open-air waterfront ballpark stadium ("Ballpark") to exhibit San Francisco Giants Major League Baseball games.

C. CBBC has contracted with Kajima International Inc. ("Kajima"), for development of the Ballpark.

D. Kajima has provided the Port with a construction schedule showing site preparation and demolition commencing October 20, 1997 and substantial completion of construction on April 1, 2000.

E. In order to develop the Ballpark Kajima must obtain from the Port either a site permit and addenda or demolition, excavation, grading building, plumbing and electrical permits (the "Permits").

F. To facilitate the timely issuance of the Permits the Port has requested DBI's advice and

recommendations with regard to plan checking. The Port also requires advice and recommendations with regard to performing site inspections during construction. DBI has agreed to provide these services to the Port.

NOW, THEREFORE, IT IS AGREED AS FOLLOWS:

AGREEMENT

1. **Recitals**. The foregoing recitals are true and correct and are incorporated herein by reference.

2. **Effective Date**. The effective date of this MOU ("Effective Date") shall be June 1, 1997.

3. **Term**. The term of this MOU shall be from the effective date to, and until, the date on which the Port issues CBBC a final occupancy permit for the Ballpark.

4. **Plan Check**. DBI has agreed to assist the Port by performing all plan check activities necessary for the Port to issue the Permits. DBI will act solely in an advisory capacity in performing these services for the Port. Kajima will be required to submit all plans and permit applications directly to the Port for approval. The Port will then transmit the plans to DBI for plan check. To facilitate this process, the Port will require Kajima submit nine (9) plan sets.

5. **Applicable Code**. DBI will check all plans submitted by Kajima for conformance with the requirements of the 1995 San Francisco Building Code (with the exception of Section 105 of the San Francisco Building Code) and the 1995 California Building Code (herein cumulatively referred to as the "Code"). All disagreements concerning interpretation of the Code shall be resolved by the Port following a process compliant with the California Building Code, Section 105.1. Moreover, the Port will require Kajima to submit to a peer review

process as provided by Section 105.6 of the 1995 San Francisco Building Code. The results of this peer review will be provided directly to the Chief Harbor Engineer. The Director of DBI or his designee may review such report for the purpose of advising the Chief Harbor Engineer on the implication of the conclusions.

Disabled access code compliance issues at the Ballpark shall be fully and finally determined in accordance with the San Francisco Building Code and State Law. Unless and until the City or the Port adopts specific legislation, it is agreed that the City's Access Appeals Commission serve as the body that will make factual findings and render decisions concerning disabled access at the Ballpark.

6. **Permitting Authority**. The Port has sole authority for the approval, issuance and enforcement of all requirements and/or conditions imposed upon CBBC and/or Kajima under the Permits. Such authority includes the power to suspend and revoke permits.

7. **DBI Plan Check Fee**. In consideration for DBI assistance with plan checking as described above, the Port will "work order" to DBI the sum of $252,184.00. This amount, or 65 percent of the collected amount, be will transferred by interdepartmental work order to DBI within 30 calendar days of CBBC and/or Kajima paying the applicable fee to the Port, up to the total of $252,184.

8. **Inspection**. During construction of the Ballpark, including site preparation, DBI will perform all inspections necessary to verify Kajima's compliance with the San Francisco Building, Mechanical, Electrical and Plumbing Codes. With respect to these inspections DBI inspectors will advise and make recommendations to the Port's Chief Building Inspector. If requested by DBI, the Port will provide office space and administrative support to these

inspectors at either the project site or the Port's offices. Any disagreements concerning code compliance that arise during inspections that cannot be satisfactorily resolved by the Port's Chief Building Inspector shall be referred to the Chief Harbor Engineer whose decision will be final.

9. **DBI Inspection Fee**. In consideration for DBI assisting with inspections as described above, the Port will work order to DBI the sum of $433,979.00. This amount will be transferred to DBI. As fees are collected from CBBC and/or Kajima, 65 percent of the collected fees will be transferred to DBI within thirty calendar days, up to the total of $433,979. DBI's fees are calculated on estimated construction costs of $170,000,000. If those construction costs increase, DBI's fee shall increase by 65 percent of the amount of the fees stated in Section 107 of the then current San Francisco Building Code, and the increased sum will be paid with the next scheduled payment.

10. **Correspondence**: The Port and DBI shall copy each other on all correspondence concerning these Ballpark permits and inspections.

11. **Notices**. All notices, demand, consents or approvals which are or may be required to be given by either party to the other under this MOU shall be in writing and shall be deemed to have been fully given when delivered in person to such representatives of Port and DBI as shall from time to time be designated by the parties for the receipt of notices, or when deposited in the United States mail, postage prepaid; and addressed, if to Port to:

Director, Facilities and Operations
San Francisco Port Commission
Ferry Building, Suite 3100
San Francisco, CA 94111

and if to DBI to:

Deputy Director
Department of Building Inspection
1660 Mission Street, 6th Floor
San Francisco, CA 94103-2414

or such other address with respect to either party as that party may from time to time designate by notice to the other given pursuant to the provisions of this Paragraph.

12. **Failure To Comply**.

12.1 Event of Default. The occurrence of any one or more of the following events shall constitute a default:

(A) Failure by Port to pay funds when due;

(B) DBI's failure to perform the services set forth above; or

(C) DBI's failure to provide adequate staff or timely reviews.

12.2 Remedies. Upon default by either party, the other party shall, without further notice or demand of any kind to the defaulting party or to any other person, have the ability to terminate this MOU in writing.

13. **Cancellation**. If the Port, for whatever reason, does not enter into a lease with CBBC, the Port shall only be obligated to compensate DBI for those plan check or other services actually performed.

IN WITNESS WHEREOF, the parties have caused this MOU to be executed as of the date first written above.

CITY AND COUNTY OF

SAN FRANCISCO, a municipal corporation

operating by and through THE

SAN FRANCISCO PORT COMMISSION

By: _____

Douglas F. Wong
Executive Director

Date: _____

DEPARTMENT OF BUILDING INSPECTION

By: _____

Frank Y. Chiu
Director, Department of Building Inspection

Date: _____

APPROVED AS TO FORM:

LOUISE H. RENNE
City Attorney

By: _____

John W. Rakow III
Deputy City Attorney
Port Division

FORM 0.10 (REVISED 1-12-92)

REQUEST FOR SUPPLEMENTAL APPROPRIATION

Department: 39 Port of San Francisco DIVISION: Facilities & Operations DATE: June 30, 1997

To the Mayor: Request is hereby made for supplemental appropriation from the following appropriation(s) or fund(s) in the amount(s) indicated:

APPROPRIATION NUMBER	DESCRIPTION OF APPROPRIATION OR FUND	AMOUNT
FD/GROUP FD 5P/AAA/ACP DEPT-DIV-SEC PRT99 INDEX 392601	Building Inspection - Plan Checking Ball Park	$686,163

to the credit of the following appropriation(s) or fund(s) in the amount(s) indicated:

APPROPRIATION NUMBER	DESCRIPTION OF APPROPRIATION OR FUND	AMOUNT REQUESTED	AMOUNT APPROVED - MAYOR
FD/GROUP FD 5P/AAA/ACP DEPT-DIV-SEC PRT99 INDEX 392601 CHAR/SUB-OBJ 067/067/06700	CPO648-01 Plan Check CPO648-02 Inspection	$252,184 433,979 $686,163	

There are no surpluses in any of this department's appropriations available for transfer for the requested purpose(s). Complete detail as to the necessity for THIS appropriation is stated below:

APPLICABLE BOXES MUST BE CHECKED.

☐ This request includes capital projects (s.o. 2020 or 2030); a separate copy has been sent to the Chair, Capital Improvement Advisory Committee

☐ These funds have not been previously requested.

☐ These funds were previously requested by : ☐ Supplemental Appropriation or

☐ Budget Estimate and were ☐ reduced or ☐ denied by: ☐ The Mayor, or ☐ The Board of Supervisors

CERTIFIED AS TO FACTS AND AMOUNTS AS ABOVE STATED, AND

RECOMMENDED: _____ (Department Head)
Douglas F. Wong, Executive Director

APPROVED: _____ (C.A.O., Board or Commission)

Recorded Controller's Budget Division

By: _____ Date: _____ Request No. _____

FOR MAYOR'S USE

To the Controller:
The above request meets with my approval, as indicated above. You are hereby requested to prepare the necessary appropriation ordinance.

APPROVED: WILLIE LEWIS BROWN, JR. By: _____ Date: _____

PORT OF SAN FRANCISCO

Ferry Building
San Francisco, CA 94111
Telephone 415 274 0400
Telex 275940 PSF UR
Fax 415 274 0528
Cable SFPORTCOMM
Writer

MEMORANDUM

July 16, 1997

TO: MEMBERS, PORT COMMISSION
Hon. Michael Hardeman, President
Hon. Denise McCarthy, Vice President
Hon. Frankie Lee
Hon. James Herman

FROM: Douglas F. Wong
Executive Director

SUBJECT: Approval of Proposal for Pier 98 Wetlands Enhancement and Public Access Project

DIRECTOR'S RECOMMENDATION: THAT THE COMMISSION APPROVE THE PROPOSED CONCEPTUAL DESIGN FOR THE PIER 98 WETLANDS ENHANCEMENT AND PUBLIC ACCESS PROJECT IN ACCORDANCE WITH THE ATTACHED RESOLUTION

In 1993, the Port and the Bay Conservation and Development Commissions entered into an agreement to resolve an outstanding enforcement issue regarding the legal status of the fill which comprises Pier 98 (Attachment 1). This agreement requires that the Port design a project which will enhance existing wetlands, create five acres of new wetlands, and improve passive recreational opportunities and public access at the site. The agreement requires the Port to:

- Conduct necessary planning, environmental, and engineering studies.
- Adopt conceptual and preliminary designs, with Port Commission and BCDC approval.
- Complete California Environmental Quality Act review.
- Obtain all necessary permits and regulatory approvals required to implement the project.
- Adopt a final design with both Commissions' approval.

Pursuant to the agreement, Port staff and consultants completed a technical alternatives analysis of four alternatives for wetlands creation and three alternatives for public access enhancement. Each alternative was evaluated with respect to its feasibility and achievement of project goals established by the agreement to select a recommended conceptual design. The evaluation is described in detail in an Alternatives Analysis Report prepared by Levine-Fricke-Recon under contract to the Port. An Executive Summary is provided as Attachment 2.

THIS PRINT COVERS CALENDAR ITEM NO. 6B

The proposed conceptual design calls for enhancement of approximately three acres of existing wetlands, creation of approximately five acres of new wetland area, and revegetation of upland areas with native plants. Proposed public access improvements include a 10-space parking area, an emergency vehicle access gate and pedestrian entry maze, trails to fishing and viewing areas, a picnic area with three tablets and barbecues, benches, and educational signs. The proposed conceptual design is described further in Attachment 3.

Port staff has presented plans for the Pier 98 wetlands enhancement and public access project to various community and environmental groups, including the Citizen's Advisory Committees on Wastewater and Hazardous Materials. Port staff has met with members of the San Francisco League of Urban Gardeners, Golden Gate Audubon Society, California Native Plant Society, and South Bayshore Redevelopment Project Area Committee to discuss the project proposal. These meetings have generated relevant technical comments and enthusiastic support from a diverse group of interested parties.

The proposed project is currently estimated to cost $1.943 million. This estimate (provided in Attachment 4) is based on a conceptual design, and consequently is accurate to within approximately 30%. Increasingly accurate cost estimates will be provided with the preliminary design and final design documents.

The City and County of San Francisco Public Utilities Commission has committed to contribute $1 million toward implementation of the project. Port staff continues to seek additional funding through various State and Federal loan programs. In the absence of funding from outside sources, the project will be implemented using funds from the Port's capital project budget for 1997/98.

The agreement between the Port Commission and BCDC requires that both the Port Commission and BCDC adopt the conceptual, preliminary and final designs. The proposed conceptual design was presented to the Port Commission as an informational item on June 10, 1997. Port staff presented it to the BCDC Enforcement Committee on June 18, 1997. The Enforcement Committee voted to endorse the proposal, and recommend its adoption by the BCDC. On July 3, 1997, BCDC approved the proposed conceptual design by a vote of 19 "yes" votes, zero "no" votes, and zero abstentions. Port Commission approval of the recommended alternative will allow Port staff and consultants to continue developing preliminary and final designs as required by the agreement.

Prepared by: Carol Bach, Project Manager
Environmental Health & Safety Section

F:\P98PROJ.WPD

PORT COMMISSION
CITY AND COUNTY OF SAN FRANCISCO

RESOLUTION NO. 97-67

WHEREAS, The Port is required by a 1993 agreement with the Bay Conservation and Development Commission (BCDC) to design and obtain permits and regulatory approvals for a wetlands enhancement and public access project; and

WHEREAS, Port staff and consultants have completed a technical alternatives analysis to select a conceptual design which best achieves the project goals established by the agreement; and

WHEREAS, The proposed conceptual design calls for enhancement of approximately three acres of existing wetlands, creation of approximately five acres of new wetland area and revegetation of upland areas with native plants. Proposed public access enhancements include improvements to the entry, trails to fishing and viewing areas, a picnic area with three tables and barbecues, benches, and educational signs; and

WHEREAS, The Port Commission has initially reviewed the proposed conceptual design on June 10, 1997; and

WHEREAS, The BCDC adopted its Enforcement Committee's recommendation to approve the Port's proposed conceptual design; now, therefore be it

RESOLVED, That the Port Commission hereby approve the proposed conceptual design for the Pier 98 Wetlands Enhancement and Public Access Project.

I hereby certify that the foregoing resolution was adopted by the San Francisco Port Commission at its meeting of July 22, 1997.

_____
Secretary

F:\P98PROJ.WPD

SAN FRANCISCO BAY CONSERVATION AND DEVELOPMENT COMMISSION
Thirty Van Ness Avenue, San Francisco 94102 557 - 3686

AGREEMENT
FOR A WETLANDS ENHANCEMENT AND CREATION AND PASSIVE RECREATION PROJECT BY THE PORT OF SAN FRANCISCO AT PIER 98 IN INDIA BASIN ALONG THE SOUTHERN SAN FRANCISCO WATERFRONT

The San Francisco Bay Conservation and Development Commission ("the Commission") and the Port of San Francisco ("the Port") understand and agree as follows:

1. the Port and the Commission adopt and agree to the Conceptual Plan and statement of goals and objectives to resolve the dispute between the Port and the Commission concerning Pier 98, which calls for the retention and improvement of approximately nine acres of tidal wetlands, the excavation of approximately five acres of fill and the creation of approximately five acres of tidal wetlands in its place, and retention of approximately 12 acres of fill and its improvement as transitional and upland habitat with a pathway and appropriate signage and interpretive materials and appropriate provision for fishing, and no off-site mitigation ("the Conceptual Plan") (Exhibit One) and as shown generally in graphic form on the attached plan entitled "Pier 98, Draft Conceptual Plan, Wetlands Enhancement and Passive Recreation Park Project," prepared by the Port of San Francisco, Department of Engineering, dated July 6, 1993, sheet 1 of 1 sheet (Exhibit Two);

2. the Port and the Commission further agree to the proposed statement of project elements and procedural tasks to develop a more detailed and precise plan and design to implement the conceptual plan ("the proposed implementation process") (Exhibit Three) and the proposed schedule to implement the proposed implementation process ("the implementation schedule") (Exhibit Four);

3. the Port shall completely implement each and every task of the proposed implementation process up to but not including invitations for bids (task 16), construction (task 17), and post-construction monitoring (step 18) in strict compliance with the implementation schedule;

4. the Commission and its Enforcement Committee will have the right to review and to approve or disapprove the results of the Port's efforts to develop a detailed and precise plan for the proposed project both as part of the determination of the preferred alternative (task 9) and as part of the Commission approval of the preliminary design and environmental analysis (step 13) and the Commission staff will have the right to review and approve or disapprove the final detailed plans (task 15);

5. the Commission acknowledges that when it reviews the results of the Port's efforts at task 9 and step 13 of the proposed process and when the Commission staff reviews the final detailed plans (task 15), the Commission and the Commission staff will limit their review and decision whether to approve or to disapprove to factors within the basic parameters of the Conceptual Plan and will not reevaluate or reconfigure any of the basic parameters of the Conceptual Plan unless the Port agrees that such substantial changes in the Conceptual Plan are necessary;

6. the Port shall make its best efforts to obtain sufficient funding to finance the construction (task 10) and post-construction monitoring (task 18) elements of the proposed implementation process either by obtaining outside funding or using Port funding as the Port determines in its sole discretion is available or a combination thereof;

7. if the Port obtains sufficient funding to finance the construction and post-construction monitoring as delineated in the proposed process, the Port shall completely implement the construction and post-construction monitoring elements of the proposed process according to the implementation schedule;

8. the Port and the Commission understand (1) that delays in compliance with the proposed process according to the implementation schedule may be caused by circumstances beyond the control of the Port, including but not limited to delays caused by lawsuits, environmental sampling and testing, and environmental review processes, and (2) that delays caused by circumstances beyond the control of the Port shall not be violations of this agreement, provided that (a) the Port shall provide prompt written notice to the Commission whenever the Port believes that a delay is imminent that explains the reasons for the anticipated delay and outlines all measures that the Port has taken to minimize future delays in the implementation of the project, and (b) either the Commission agrees that the delays are beyond the control of the Port or the Commission takes no action to enforce the agreement or such other action as the Commission or its Executive Director deems appropriate;

9. beginning on December 15, 1993 and every six months thereafter, the Port shall provide to the Commission staff a written report that summarizes the Port's progress with the proposed process and its compliance with the implementation schedule, any anticipated problems with future progress and compliance, any actions that the Port proposes to take to eliminate or minimize any anticipated problems with such progress and compliance, and the Port's efforts to obtain outside funding for the construction and monitoring and the current relationship of the funding priority of this project with other Port capital projects based on the three-month updates to the Port's capital plan;

10. the Port shall report orally to the Enforcement Committee at its next meeting immediately following receipt of each six-month report required by paragraph nine of this agreement on those efforts and answer any questions that the Enforcment Committee may have;

11. if, consistent with paragraph five of this agreement, the Commission becomes dissatisfied with the Port's compliance with this agreement in a timely manner, the Port's determination of a preferred alternative or its development of a preliminary design and environmental analysis, or the Commission staff is dissatisfied with the final detailed design, the Commission or the Executive Director shall provide written notice to the Port that specifies the fact of the Commission's or the Commission staff's dissatisfaction or disapproval, the reasons for the Commission's or Commission staff's dissatisfaction or disapproval, and any actions that the Port could take to attempt to convince the Commission not to enforce the agreement or to take other action that the Commission or its Executive Director deems appropriate;

12. if the Port does not respond to the Commission's reasonable satisfaction to each and every deficiency described in any written notice provided by the Commission pursuant to paragraph 11 within 45 days of receipt of the notice, the Commission may pursue after having waited at least 45 days after mailing of the written notice any or all remedies available to it either to enforce this agreement or to take any such other action as the Commission or its Executive Director deems appropriate;

13. the Commission agrees to assist the Port in the expeditious completion of each and every task identified in the statement of project elements and procedural tasks and, if necessary, in the initiation of project construction by the timely consideration of all requests for approvals or applications for permits;

14. if the Port fully complies with all of the terms and conditions of this agreement but nevertheless does not commence construction of the final project design within 30 days of having obtained all necessary authorizations and permits, the Commission may pursue any or all remedies available to it to any such action as the Commission or its Executive Director deems appropriate;

15. the Port agrees that if, after giving notice of dissatisfaction under paragraph 11 of this agrement and waiting 45 days as provided in paragraph 12 of this agrement or if the Port complies with this agreement but thereafter does not commence construction on the final project design within 30 days of having obtained all necessary authorizations and permits and, as a result, the Commission or its Executive Director takes any action it deems appropriate regarding Pier 98, the Port will not use any delay associated with the development of this agreement or the implementation of this process and schedule as a basis for denying any allegation or allegations by the Commission that a violation exists or as the basis for any allegation by the Port that an affirmative defense, such as laches, a statute of limitations, or estoppel, exists;

16. the Commission agrees that if for any reason it takes any action pursuant to either paragraphs 12 or 13, the Commission cannot use any increase in the number of days that any alleged violation persists caused by the Port's attempts to develop or implement this resolution and agreement as the basis for determining the propriety of or enhancing the amount of any possible penalty and that the Port can use the fact and status of the process and implementation schedule as the basis for arguing that the most appropriate remedy is the full and complete implementation of the process and schedule, including construction and monitoring; and

17. the Commission and the Port agree that the date on which they commenced attempts to develop or implement this resolution and agreement is June 23, 1989.

Areed to as written above:
San Francisco Port Commission

By: _____
BENJAMIN A. KUTNICK
Executive Director

Date: OCT 25, 1993

San Francisco Port Commission
Resolution No. 93-115

Agreed to as written above:
San Francisco Bay Conservation and Development Commission

By: Alan R. Pendleton
ALAN R. PENDLETON
Executive Director

Date: September 17, 1993

San Francisco Bay Conservation and Development Commission Resolution No. 93-01

Reviewed:

Louise H. Renne, City Attorney

By: _____
Deputy City Attorney

Date: November 16, 1993

PORT OF SAN FRANCISCO
PIER 98 WETLANDS ENHANCEMENT AND PASSIVE RECREATION PARK PROJECT

CONCEPTUAL PROJECT PLAN DESCRIPTION

(JULY 1, 1993)

The following provides a description of the elements of the conceptual plan for the Pier 98 Wetlands Enhancement and Passive Recreation Park Project proposed by the Port of San Francisco (Port) and the San Francisco Bay Conservation and Development Commission (BCDC). The project is located at Pier 98, at the foot of Cargo Way, San Francisco California, in the India Basin area of San Francisco Bay, immediately south of the Port of San Francisco Container Terminal Pier 96, and immediately north of the PG&E power plant. The site comprises approximately 26 acres of fill in San Francisco Bay with elevations ranging from 0 ft. above mean lower low water (MLLW) to 20 ft. above MLLW.

Approximately 9 acres of the site are considered wetlands with elevations below mean high water as per a jurisdicational determination conducted by the U.S. Army Corps of Engineers in 1989. These jurisdictional wetlands exist as predominately rocky shoreline along the northern perimeter of the site and tidal pickleweed marsh along the southern perimeter of the site. Approximately 12 acres of the site is considered area that will require placement of additional fill in the form of a landfill cap in order to comply with the requirements of the State of California Regional Water Quality Control Board - San Francisco Region.

The Port of San Francisco has proposed this conceptual plan based on an environmental and engineering feasibility analysis of eight alternatives as documented in the report titled "Environmental Assessment/Engineering Feasibility Study Closure of Pier 98, The Mark Group Engineers and Geologists, Inc, Contract 88-1124605.01, February 21, 1991". This report was reviewed by the Port of San Francisco and the San Francisco Bay Conservation and Development Commission and other regulatory and resources agencies. The alternative that was chosen as a result of this review was Alternative VIII which forms the basis for the conceptual plan that is the subject of the agreement between the Port and BCDC.

The focus of the technical environmental and engineering design and the environmental review work to follow under the auspices of the agreement is to refine the objectives and create a feasible and successful project that is within the parameters defined in the conceptual plan. As such, the emphasis of the engineering and environmental analysis will be on the configuration and elevation of the wetlands

enhancement area not on whether a wetlands enhancement area will be a part of the project. Also the question will not be whether a passive recreation park is part of the project but rather what are the alternatives for layout that meet the project goals and objectives. Attachment 2 contains the detailed description of project tasks and Attachment 3 provides a summary of the project tasks with a time schedule.

PIER 98 PROJECT GOALS

The general Pier 98 project goal is to develop an on-site wetlands enhancement and passive recreation park that will be environmentally sound, socially acceptable, and economically feasible, subject to a consensual agreement between the Port And BCDC. The purpose of the project is to resolve a long-standing disagreement between the Port and BCDC regarding the regulatory status of the site. All enhancement activities will be conducted at the Pier 98 site and the conceptual plan does not include off-site mitigation.

The wetlands enhancement site goal is to maximize the area of tidal wetlands at the site to the largest extent feasible while minimizing the disturbance to the existing tidal wetlands at the site.

The recreation site goal is to provide for public access for fishing, bird watching, and other passive recreational activities.

PIER 98 PROJECT OBJECTIVES

To achieve the above goals the following objectives have been identified:

1. To retain and enhance the approximately 9 acres of naturally occurring wetlands, that have developed since 1977, to the maximum extent feasible.

2. To create an additional approximately 5 acres of tidal wetlands by excavation of fill material to the appropriate elevation and by excavating the appropriate channels or water courses to deliver Bay water to the site.

3. To maintain the ponded areas within the existing tidal pickleweed marsh for habitat variability to the maximum extent feasible.

4. To avoid the creation of isolated ponds or water courses that would enhance or contribute to mosquito breeding.

PORT OF SAN FRANCISCO
Pier 98 Project Conceptual Plan Description
7/1/93

4. To meet the State of California landfill closure requirements for the site the approximately 12 acres of upland to remain and be capped.

5. To plant a transitional area between the enhanced wetlands and the retained uplands with native low maintenance vegetation that offers wildlife habitat capability.

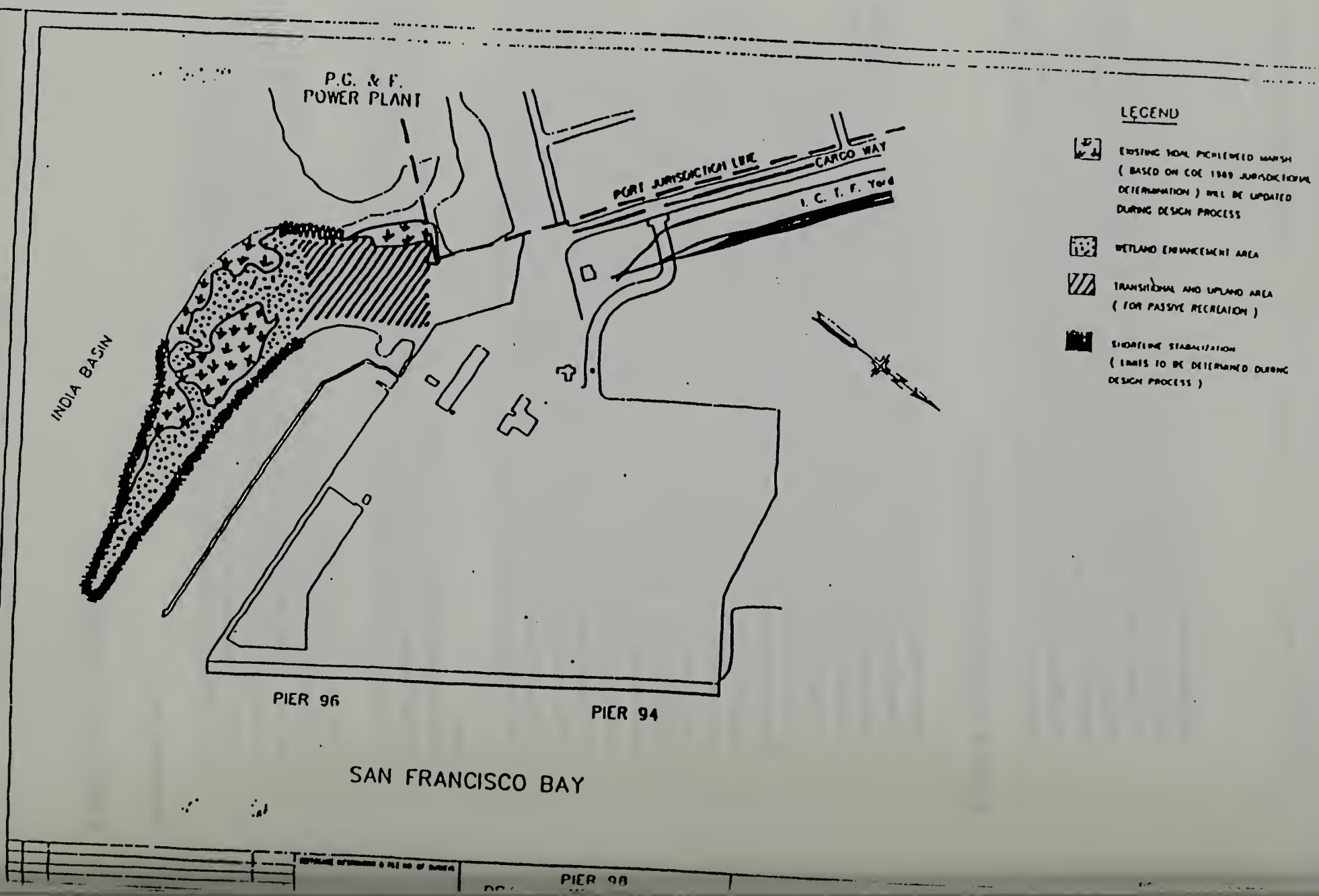
6. To plant the retained uplands with low maintenance native species to provide areas available for passive recreational opportunities.

7. To provide access security to the adjoining Pier 96 Container Terminal Facility to the maximum extent feasible.

8. To retain the PG&E water intake structure and access dike. This access dike provides fishing access to areas of shoreline at the PG&E power plant and walking access to the City and County of San Francisco India Basin Park located immediately south of the PG&E Power plant.

9. To maintain a stable shoreline configuration shoreline erosion control to be designed to provide minimum intrusion to the site and the existing mudflats and wetlands to the maximum extent feasible.

10. To provide access to maintain the shoreline stabilization if it is required in the project design. This access may be able to be used for fishing access subject to environmental review.


P.G. & E.
POWER PLANT
PORT JURISDICTION LINE
CARGO WAY
I. C. T. F. Yard
INDIA BASIN
PIER 96
PIER 94
SAN FRANCISCO BAY
PIER 98
LEGEND
EXISTING TIDAL PICKLEWEED MARSH
(BASED ON COE 1989 JURISDICTIONAL
DETERMINATION) WILL BE UPDATED
DURING DESIGN PROCESS
WETLAND ENHANCEMENT AREA
TRANSITIONAL AND UPLAND AREA
(FOR PASSIVE RECREATION)
SHORELINE STABILIZATION
(LIMITS TO BE DETERMINED DURING
DESIGN PROCESS)

EXECUTIVE SUMMARY

Introduction

This report has been prepared for the Port of San Francisco ("the Port") to present and evaluate alternative preliminary design options for the creation and enhancement of tidal wetlands and public access for the Pier 98 Wetlands and Open Space project ("the Project"). The Project will create public access opportunities and ecologically valuable wetlands habitat at Pier 98, a 25-acre peninsula in San Francisco Bay's India Basin ("the Site") that is property of the Port.

The Site is a manmade peninsula created by fill placement activities in the 1970s. This report presents a landfill closure plan that includes capping limited areas of the Site, as required by the Regional Water Quality Control Board's (RWQCB's) January 2, 1997 letter.

The Port has worked with the Bay Conservation and Development Commission (BCDC) to develop a conceptual plan ("the Conceptual Plan") for the Project as the result of an alleged violation concerning fill placement. The Conceptual Plan calls for the enhancement of 9 acres of existing tidal wetlands and the creation of 5 additional acres of tidal wetlands at the Site. Subsequent investigations have determined that the 9 acres were derived from a U.S. Army Corps of Engineers ("Corps") wetlands delineation that, according to Corps records, was never performed (see Section 2.2). Thus, there is no available information that provides a rationale for the existing and target acreages. Levine·Fricke·Recon Inc. (LFR) performed a wetlands delineation in 1995 and identified 2.95 acres of jurisdictional wetlands plus, 2.44 acres of intertidal ponds and intermittently ponded hard panne that are classified as "Waters of the U.S." Recent meetings and discussions with BCDC and Port personnel have resulted in consensus to create as close to 5 acres of tidal wetlands habitats as possible, given economic and physical site constraints and the overall goal to combine wetland enhancement with public access. This report fulfills the requirements for a Technical Memorandum (Task 7: Pre-Design) specified by BCDC and the Port in the "Wetlands Enhancement and Park Project Task Outline," dated August 17, 1993.

Existing Ecological Site Conditions

Since filling operations were completed in 1977, subsidence and erosion on the eastern portions of the Site have resulted in the formation of wetlands. The Site currently supports jurisdictional vegetated wetlands plus "Waters of the U.S.," including intertidal ponds (1.10 acres) and intermittently ponded hard panne (1.34 acres). There are also approximately 6 acres of mudflats that provide high-quality wildlife habitat at the Site. The existing wetlands are tidally influenced and comprise habitat with degraded ecological value.

Other than a moderate level of use by waterfowl and shorebirds, the Site currently supports limited wildlife habitat values. Vegetation in wetlands portions of the Site is characterized by salt marsh species (primarily pickleweed); the majority of the Site supports primarily ruderal invasive exotic species such as pampas grass and fennel.

No federal- or state-listed plant or animal species are known to exist within the project area.

Existing Physical Site Conditions

The site surface is dotted with evidence of fill materials and construction debris, including concrete, rebar, and rubble. Investigations have determined that the Site is composed of varied soil types from clayey fine sand to gravely sand and sandy gravel, and that the groundwater may be subject to limited tidal influence.

The shoreline is subject to erosion and accretion as a result of runoff, direct precipitation, and tidal- and wind-driven waves. Large-scale erosion is evident around the point and along the northern shoreline, even in areas where shoreline stabilization materials (primarily riprap) have been incorporated.

The Site is used predominantly for fishing purposes by persons who frequent PG&E's warm-water outfall located directly south of the Site. The public also uses the Site for walking and viewing.

Alternative Analysis Process

The alternatives analysis was conducted in a two-step process. First, four tidal marsh design options were evaluated based upon site constraints and feasibility of implementation. Based upon this evaluation, one design option was identified as the preferred tidal marsh enhancement option. In the second step, three different levels of public amenities were incorporated into the preferred tidal marsh enhancement option. These three alternative enhancement designs were then evaluated to select one preferred enhancement alternative.

Tidal Marsh Design Evaluation

Four tidal marsh design options were evaluated based upon site physical constraints, design feasibility, cost, ability to support ecological functions, stability over the long term, and ability to meet the goals stated in the Conceptual Plan.

All design options included enhancement of existing marsh and the creation of additional tidal marsh in the vicinity of the intermittently ponded hard panne. Because of financial constraints, two separate phases of additional wetland creation are proposed. The four marsh design options are summarized in the following table.

Design Option	Enhanced Wetland Acreage	Created Wetland Acreage			Total Wetland Acreage		Shoreline Stabilization
		Phase I	Phase II	Total	Phase I	Phase II	
Option #1	4.05	4.52	N/A	4.52	8.57	N/A	No
Option #2	4.05	4.52	N/A	4.52	8.57	N/A	Yes
Option #3	4.05	3.65	1.4	5.05	7.70	9.10	No
Option #4	4.05	3.65	1.4	5.05	7.70	9.10	Yes

Preferred Tidal Marsh Enhancement Design

The results of this analysis concluded that Option #3 would be most effective in achieving all project objectives, and that it could be implemented in two phases. Option #3 Phase I will achieve the primary project goals of increasing tidal wetlands area and providing public access for passive recreational activities. Option #3 Phase II would provide additional wetland acreage of similar habitat quality to achieve the 5-acre objective of the Conceptual Agreement.

Evaluation of Public Amenities Alternatives

Three alternative public amenities designs were evaluated based upon their ability to support the primary anticipated public access uses (fishing, walking/viewing, wildlife viewing, and picnicking), to minimize potential impacts to existing and created wetlands, and to maintain feasible construction costs. These three alternatives were developed by combining the preferred tidal marsh enhancement design with three levels of public amenities (minimum, moderate, and extensive):

- Alternative #1: Tidal Marsh Enhancement with Minimum Public Amenities
- Alternative #2: Tidal Marsh Enhancement with Moderate Public Amenities
- Alternative #3: Tidal Marsh Enhancement with Extensive Public Amenities

Preferred Enhancement Alternative

Based upon the results of the evaluation, Alternative #2, tidal marsh enhancement with moderate public amenities, was identified as the preferred enhancement alternative. This design alternative has the following attributes:

- provides the most benefits to the greatest number of anticipated public uses
- provides a significantly increased level of public amenities
- minimizes impacts to restored and enhanced wetland resources
- creates high quality tidal marsh habitat that should be sustainable in the long term

ATTACHMENT 3

PIER 98 WETLANDS ENHANCEMENT AND PUBLIC ACCESS PROJECT

PROJECT DESCRIPTION

Background

In 1970, the Port of San Francisco (Port) obtained a permit from the Bay Conservation and Development Commission (BCDC) to construct a 48-acre site for use as a shipping terminal and approach ramp for a southern crossing bay bridge. The site, referred to as Pier 98, is located on the north side of India Basin (see Figure 1). Pier 98 was constructed between 1970 and 1977 by construction of a debris dike, and progressive end-dumping of fill, including clean sand, dredge spoils, and miscellaneous debris into San Francisco Bay.

Approximately two acres of fill were allegedly placed outside of the permitted project limits. Although permits allowed placement of only inert, inorganic fill material, some decomposable waste (i.e. paper, cloth, straw, wood, cardboard, and yard waste), referred to as non-inert fill, was deposited beneath the western portion of the site. Changes in shipping markets and technology, and the decision not to build a southern crossing, rendered completion of Pier 98 for its originally permitted use infeasible. Fill placement ceased in 1977, and the entire site was covered with a one to three-foot thick layer of clean soil.

Subsidence, erosion, and tidal inundation have resulted in the establishment of tidal wetlands at Pier 98. After many years of negotiation regarding the regulatory status of the site, BCDC and the Port adopted an agreement in 1993 (Agreement). The Agreement specified that the Port would develop design plans and specifications for enhancement of existing wetlands, creation of new wetlands, and improvement of public access and passive recreational opportunities at the site.

Proposed Project

Levine-Fricke-Recon (LFR), under contract to the Port, analyzed alternative configurations for the project with respect to physical constraints, design feasibility, cost, and ability to meet the primary goals established by the Agreement. The following project scope, illustrated in Figure 2, is recommended:

- **Wetland enhancement.** Removing litter and construction debris (including rebar, bricks, cement, and asphalt) will enhance the existing 3.0 acres of tidal marsh. Material will be removed, or reused on site as appropriate. Debris piles currently create hummocks within and near the intertidal ponds. Selected debris piles will be excavated to elevations exposed to tidal action but above the marsh plain (6.5 to 7 ft.-mllw), providing refugial islands for birds during high tide. Lowering the islands to elevations that are saturated during extreme high tides will minimize re-establishment of non-native vegetation.

- **Creation of new tidal marsh**. The 1.3 acres of intermittently ponded hard panne will be converted to tidal marsh by removing the impermeable substrate, and applying bay mud or other appropriate sediment to promote establishment of vegetation and invertebrates. Up to 3.7 additional acres of tidal marsh will be created by excavating soil between the 7 and 9 feet above mean lower low water (ft.-mllw) elevation contours to the west of the intertidal ponds, including debris piles up to 14 ft.-mllw, down to elevations primarily between 6 and 6.5 ft.-mllw. The transition zone between the newly created wetlands and the upland area will be planted with native vegetation characteristic of this habitat type.

  To allow flexibility in financing and implementation, the recommended alternative for wetlands creation is presented in two phases. Phase I will include creation of 3.6 acres of new wetlands: 1.3 acres of wetlands in the area currently designated as intermittently ponded hard panne, and 2.3 acres to the west of the intertidal ponds by excavating material up to the 13 ft.-mllw contour. This phase will generate approximately 8,000 cubic yards of material, some of which may be reused on site, and some of which will be transported off site. Phase II will create 1.4 additional acres by excavating farther to the west, up to approximately the 14 ft.-mllw contour. Phase II will generate an additional 10,000 cubic yards of material, most of which will be hauled off-site for disposal. Together, Phases I and II will create a total of 5.0 acres of new wetland area. The Port currently proposes to construct both phases concurrently.

- **Preservation of existing intertidal ponds.** Trash and debris will be removed from the intertidal ponds. Properly configured concrete debris may be reused to stabilize the pond shoreline. The existing inlet between the ponds and the Bay, which is currently less than 0.5 foot above the pond bottom, may also be elevated to promote sheet flooding of the large central ponds. Design measures that promote less concentrated tidal flows will be incorporated into the final design.

- **Upland revegetation.** The upland area will be cleared to remove fill debris and existing non-native vegetation, and the surface will be graded and prepared as needed for hydroseeding with native grasses, or non-native grasses which provide similar habitat value. Native trees and shrubs will be planted to provide a buffer for the wetlands and shade for the picnic area. The proposed vegetation will not require installed irrigation, but will require watering for the first two years.

- **Public access enhancement.** Pier 98 is currently used for fishing, walking, and wildlife viewing. In evaluating potential project alternatives, three levels of public amenities were considered with respect to their ability to support public uses, potential impact to new and existing wetlands, and cost. The recommended alternative includes the following public amenities that will support continued public use, while attracting the public away from the wetlands.
  - 10-space parking area.
  - Entry gates and a pedestrian entry maze.

- Trails extending eastward to the point, south to the tip of the small jetty, and north to the sandy beach.
- Interpretive signs describing the functions and values of wetlands, the wetlands restoration process, commonly occurring wildlife, and precautions to prevent impact to wetlands.
- A low fence to visually delineate wetland areas which should not be disturbed.
- Fishing platforms.
- A picnic area with a portable restroom, and three picnic tables and barbecue pits, located near the northwest corner of the site.
- A wetland viewing area with benches, a berm, and a bird blind to enable public viewing of the wetlands while minimizing disturbance to wildlife.

- **Capping the non-inert fill area.** The non-inert fill area, approximately 4.4 acres of the western portion of the site, will be covered to meet RWQCB requirements for closure. The proposed closure plan includes grading the site surface to at least 3% slope to facilitate drainage, placement of a low-permeability geosynthetic clay liner, and final cover with compacted topsoil of an appropriate thickness to support revegetation. Selected settlement points will be monitored during the first year following installation.

- **Erosion control.** Erosion and subsidence, which have resulted in establishment of wetlands at Pier 98, continue, in the eastern portion of the site to a considerably greater extent than the western portion. Placement of riprap to stabilize the shoreline was evaluated, and not recommended due to potential impacts to existing wetlands and prohibitive maintenance requirements. Avoiding excavation in the eastern portion of the site will leave some upland area that will provide the intertidal ponds and newly created wetland areas with some buffer against erosion. Eventually, the eastern portion of the site will convert to tidal marsh and subsequently to mudflats. The emergency vehicle turnaround and fishing area to be located at the eastern tip of the peninsula will be relocated as necessary due to erosion in this area.

Proposed Implementation Schedule

The Port anticipates completion of preliminary engineering design plans, including sufficiently detailed designs of public access features for review by the BCDC Design Review Board, by fall 1998. Upon completion of permitting and environmental review, the Port will complete final design, including detailed plans and specifications for construction, and the construction will be put out to bid. Completion of the final design is anticipated by early-1998. Construction is expected to take approximately six months, completing the project by fall 1998.

MAP SOURCE: U.S.G.S. 7.5' Quadrangle:
Hunters Point, California and
San Francisco South, California
Date: 1956, Photorevised 1980

0 1/2 1 MILE

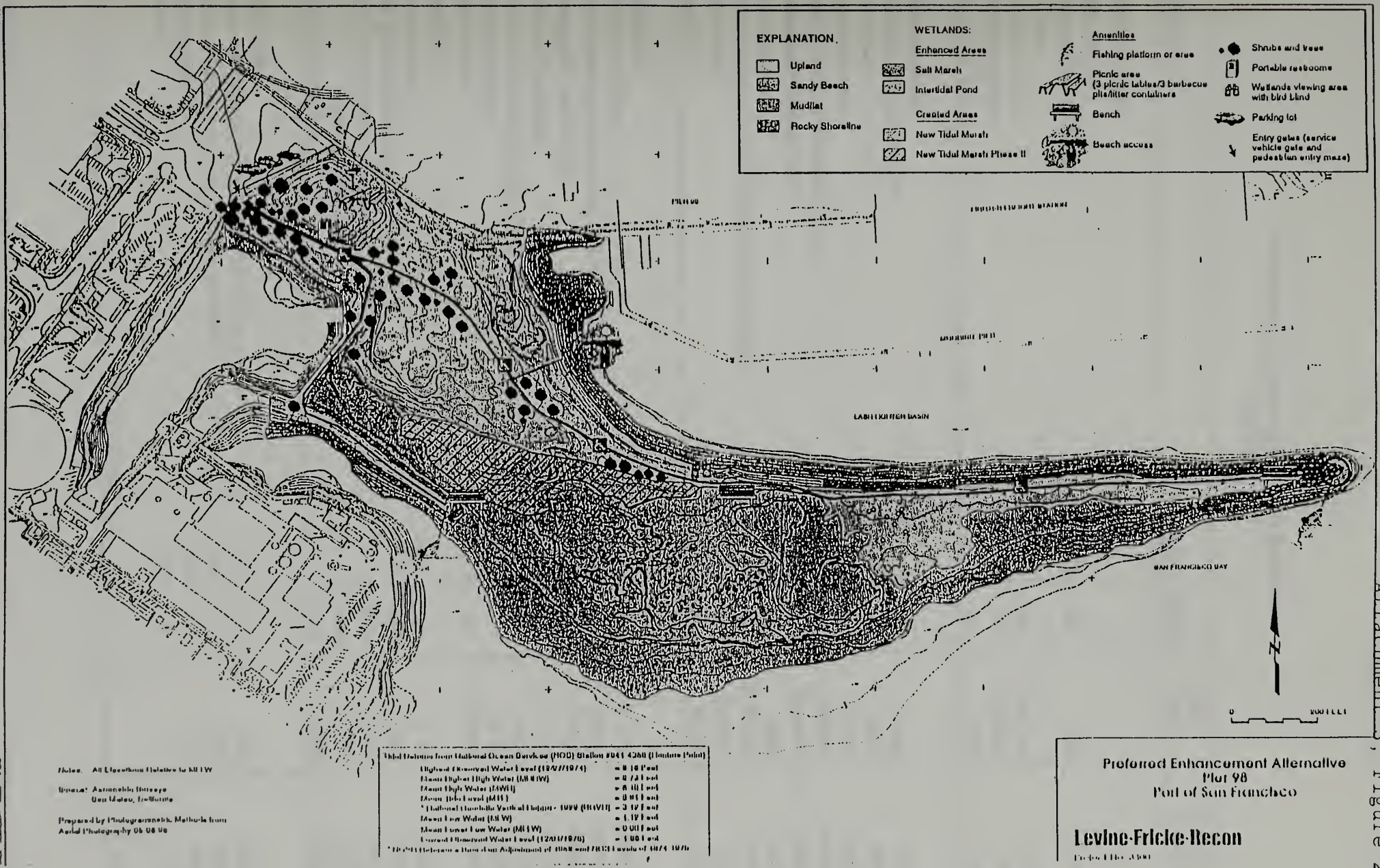
PORT OF SAN FRANCISCO

Pier 98 - Location Map

Levine-Fricke-Recon

Project No. 3400

3400SV01.CDR 020797RYL:AJG


EXPLANATION
Upland
Sandy Beach
Mudflat
Rocky Shoreline
WETLANDS:
Enhanced Areas
Salt Marsh
Intertidal Pond
Created Areas
New Tidal Marsh
New Tidal Marsh Phase II
Amenities
Fishing platform or area
Picnic area
(3 picnic tables/3 barbecue pits/litter containers
Bench
Beach access
Shrubs and trees
Portable restrooms
Wetlands viewing area with bird blind
Parking lot
Entry gates (service vehicle gate and pedestrian entry maze)
LABORATORY BASIN
SAN FRANCISCO BAY
N
0
100 FEET
Notes: All Elevations Relative to MLLW
Source: Aerial Photography by
Prepared by Photogrammetric Methods from Aerial Photography by
Tidal Datums from National Ocean Services (NOS) Station #941 4360 (Hunters Point)
Highest Observed Water Level (12/27/1974) = 8.10 Feet
Mean Higher High Water (MHHW) = 6.74 Feet
Mean High Water (MHW) = 6.40 Feet
Mean Tide Level (MTL) = 3.61 Feet
* National Geodetic Vertical Datum - 1929 (NGVD) = 3.17 Feet
Mean Low Water (MLW) = 1.17 Feet
Mean Lower Low Water (MLLW) = 0.00 Feet
Lowest Observed Water Level (12/31/1975) = -1.66 Feet
* NGVD Relative to Base of an Adjustment of 1935 and 1929 Levels of 1974 1975
Preferred Enhancement Alternative
Plot 98
Port of San Francisco
Levine-Fricke-Recon

Attachment 3, Figure 2

Preliminary Construction Cost Estimate
Pier 98

Description	Quantity	Units	Unit Cost	Total Cost
Direct Capital Costs				
Baseline Amenities				
Restriping of Parking Lot	20	ea	$80	$1,600
Entry Gates:				
12' emergency gate	1	ea	$1,200.00	$1,200
pedestrian entry gate	1	ea	$600.00	$600
Beach Access Trail	1	ls	$600	$600
Alternative Amenities				
Picnic Tables on Concrete Slabs	2	ea	$1,200	$2,400
Metal Benches	4	ea	$850	$3,400
Fish Cleaning Stations	2	ea	$5,000	$10,000
Wetlands Viewing Area with Bird Blind	1	ea	$30,000	$30,000
~~Wind Sheltered Viewing Area~~	1	ea	~~$30,000~~	~~$30,000~~
Educational Signage	8	ea	$350	$2,800
Portable Restrooms including Maintenance for 5 Years	2	ea	$7,500.00	$15,000
Litter Container	15	ea	$150.00	$2,250
Barbecue Pits	3	ea	$1,000	$3,000
Uplands Area				
Clearing and Grubbing	10	acres	$1,300	$13,000
Offhaul of Clearing and Grubbing Material	7740	cy	$32.00	$247,680
Site Preparation and Grading	15000	cy	$10.50	$157,500
Installation of Geotextile	200000	sf	$0.75	$150,000
AC Pavement for Handicapped Public Trails	12150	sf	$3.50	$42,525
Gravel Access Road	12000	sf	$2.50	$30,000
Raising of Wells	5	ea	$2,000	$10,000
Landscaping				
shrubs and trees	35000	sf	$1	$35,000
native grass hydroseeding	15	acres	$2,200	$33,000
weed control: irrigation - 2 weeks	15	acres	$400	$6,000
spraying - twice	15	acres	$1,000	$15,000
water truck for irrigation	2	years	$5,000	$10,000
Wetland Areas				
Removal and Disposal of Non-Usable Material and Debris	720	cy	$45	$32,400
Breaking of Concrete Debris for Shoreline Protection	1680	cy	$20	$33,600
Excavation of Soils	8000	cy	$12	$96,000
Silt Fence	2500	lf	$1	$2,500
Total Direct Costs:				$1,017,055

Table 4
Preliminary Construction Cost Estimate
Pier 98

Description	Quantity	Units	Unit Cost	Total Cost
General Condition (QA/QC, submittals, etc.)	8	%	$1,017,055	$81,364
subtotal				$1,098,419
Construction Contingency	15	%	$1,098,419	$164,763
subtotal				$1,263,182
Bonds	2	%	$1,263,182	$25,264
subtotal				$1,288,446
Contractor Overhead and Profit	8	%	$1,288,446	$103,076
subtotal				$1,391,522
Escalation to Midpoint of Construction	2	%	$1,391,522	$27,830
Total Estimated Construction Cost:				**$1,419,352**
Additional Engineering and Permitting Costs				
construction monitoring and training	1	ls	$40,000	$40,000
post construction survey	1	ls	$6,000	$6,000
Contingency	15	%	$46,000	$6,900
Total Engineering and Permitting Costs:				**$52,900**
ESTIMATED TOTAL PROJECT COST				**$1,472,252**

PHASE II - ADDITIONAL 1.5 ACRE WETLANDS CONSTRUCTION

Description	Quantity	Units	Unit Cost	Total Cost
Excavation of Soils	10,100	cy	$7	$70,700
Transport and Disposal at Class III Landfill	12,120	cy	$18	$218,160
Breaking of Concrete Debris for Shoreline Protection	2,500	cy	$20	$50,000
Subtotal				$338,860
Indirect Construction Costs (general, bonds etc.)	39	%	$338,860	$132,155
Total Phase II Costs:				**$471,015**

PORT OF SAN FRANCISCO

Ferry Building
San Francisco, CA 94111
Telephone 415 274 0400
Telex 275940 PSF UR
Fax 415 274 0528
Cable SFPORTCOMM
Writer

MEMORANDUM

July 16, 1997

TO: MEMBERS, PORT COMMISSION
Hon. Michael Hardeman, President
Hon. Denise McCarthy, Vice President
Hon. Frankie G. Lee
Hon. James Herman

FROM: Douglas F. Wong
Executive Director

SUBJECT: **Approval of Final Design for the Mid-Embarcadero Roadway Project.**

DIRECTOR'S RECOMMENDATION: ADOPT THE ATTACHED RESOLUTION APPROVING THE FINAL DESIGN OF THE MID-EMBARCADERO ROADWAY PROJECT.

Summary. The Mid-Embarcadero Roadway project includes realignment of the surface roadway, extension of the F-Line street car, construction of the Embarcadero Promenade, and construction of a plaza on the City-side of the Ferry Building. The project extends from Folsom Street in the south to Broadway Street in the north. It is one of the Waterfront Transportation Projects previously managed by the office of the Chief Administrative Officer and now being implemented by the Department of Public Works.

THIS PRINT COVERS CALENDAR ITEM NO. 7A

The design of the project has evolved over a six year period during which time significant community input was provided. The project was most recently reviewed by the Port Commission on October 8, October 24, and November 12, 1996, when the Commission adopted Design Parameters which provided direction to the design team on acceptance of the major spaces such as the central plaza and transition areas, major features within spaces, and general direction on use and quality of materials. The project has since been approved by the Bay Conservation and Development Commission (BCDC) on February 20, 1997 and was also reviewed by the BCDC Design Review Board on June 9, 1997 for changes responding to earlier design issues.

Design Features. The Mid-Embarcadero Roadway project includes the following components and design features similar to the completed roadway sections to the north and south and with the addition of a plaza in front of the Ferry Building.

The Embarcadero Promenade (Herb Caen Way). A continuous dedicated public access area adjacent to the Bay will be completed as part of the project. The minimum width of the promenade will be 25 feet increasing to 45 feet adjacent to the central entrances of the Ferry Building and 60 feet adjacent to the north and south wings of the building. Thirty feet of the promenade width adjacent to the Ferry Building wings may be used for retail and cafe extensions on a temporary basis (i.e., no permanent structures associated with adjacent businesses).

Ferry Building Plaza. The approved plan for the Mid-Embarcadero Roadway calls for the north and south bound lanes to separate between Mission and Washington streets to create an island plaza in front of the Ferry Building. The plaza measures approximately 130 feet at its widest dimension. Within the plaza will be a trackway and transit stops for the F-Line streetcar, crosswalks at the ends of the Ferry Building, deciduous trees, and sculptural 'light cannons' as features in the central area.

Embarcadero Roadway Median and Trackway. Between Broadway and Washington Streets and between Mission and Folsom the streets the roadway and median will be similar in design to the north and south section. The median includes an exclusive MUNI right-of-way in the center trackway flanked by cobbled islands containing the palms, esplanade light fixtures, and left-turn pockets.

City Side Sidewalks. Along the city side of the Embarcadero adjacent to Justin Herman Plaza, a stepped promenade will replace the existing elevated wall, and in so doing, provides the same noise buffer from the roadway while creating a more positive relationship between the existing open space and the Ferry Building plaza. This stepped promenade will serve as bleachers during special events, and on a daily basis provide an elevated vantage point for pedestrians with views to the plaza and Ferry Building

Materials and Treatments. The design of the Mid-Embarcadero Roadway extends the materials and treatments of the north and south segments of the Roadway and augments them to emphasize the special significance of the foot of Market Street and the Ferry Building area. More specifically:

Paving. The Bay side promenade will be paved in dark concrete throughout to match the north and south sections of the roadway. The city side sidewalk will be standard concrete of a lighter color than the promenade. The central plaza will be paved in two to three tones of granite to create a pattern in scale with the Ferry Building and overall plaza.

Street Trees. The double row of palms will continue in the median north of Washington and south of Mission streets. Between Washington and Mission streets the palms in the median are shifted to the city side promenade to define the edge of the Ferry Building plaza. Deciduous Liquidamber trees will be planted in the center Ferry Building plaza and adjacent to the Ferry Building drop-off areas. The Liquidamber trees are chosen for their stately appearance, high branching height for visibility below, and ability to grow in this area. The trees will be approximately 20 feet tall when planted. On the city side of the roadway deciduous trees will also be planted north of Broadway and south of Mission streets similar to other roadway planting.

Lighting. The period, post top light fixtures of the north and south Embarcadero will be extended through the Mid-Embarcadero, however, to recall the historic Embarcadero fixtures in the vicinity of the Ferry and Agriculture buildings, a double rather than single-headed fixture is used along the eastern and westernmost curbs of the roadway. The same esplanade fixture utilized in the median of the north and south Embarcadero is extended through the central area. To provide special lighting immediately in front of the Ferry Building arcades, a spherical post top light fixture is employed. Between Washington and Mission streets spotlights will be mounted on the palms to up light the heads of the trees. A pair of large sculptural light cannons are planned within the plaza to create festive lighting for special celebrations. In addition, the cannons will serve to center the space and to frame the central portico of the Ferry Building. The base of the light cannons is designed to provide seating within the plaza. Due to funding constraints, the light cannons will be included in the construction bid document as an "additive alternative."

Public Art and Interpretive Markers. The art ribbon will continue as a flush element along the Bay side promenade from Pier 5 through the Agriculture Building. South of the Agriculture Building to Folsom Street the art ribbon will have raised sections that will replace the existing stepped seat wall adjacent to the railing. Raised sections will also be located between Folsom and Harrison streets. The raised sections of the ribbon will include edge detailing to deter skateboard use while allowing the ribbon to be used as a seat. The railing between the Agriculture Building and Folsom

Street will be replaced with a stainless steel or precast concrete railing to better weather the tidal splash common to this area. The signage and interpretive markers of the north and south Embarcadero will also be extended through the area.

A sculpture of a large foot by artist Buster Simpson will be installed in the plaza immediately south of the Agriculture Building. The sculpture was selected by the San Francisco Art Commission as a metaphor for the demarcation of setting foot on the land. The "foot" will be approximately eight feet wide and eighteen feet tall, and will be constructed out of carrera marble. The sculpture will be positioned with the ball of the foot placed upon a low pedestal as if one were actually setting foot upon the promenade. Drawings of the foot will be presented at the Port Commission meeting.

Memorandum Of Understanding. The Port entered into a Waterfront Transportation Projects Memorandum of Understanding (MOU) with the other City Departments participating or affected by the project on February 8, 1991. The existing MOU addresses project responsibilities, construction coordination, maintenance and other project issues for the entire Waterfront Transportation Projects area, including the Mid-Embarcadero Project. Port staff is currently negotiating certain proposed amendments to the MOU and updating the document to provide more clarification. The most significant changes are as follows:

Cleaning, Maintenance, and Repair. This revised section identifies which City departments are responsible for maintenance, cleaning and repair of the project, with specific standards proposed for the maintenance of the central plaza in front of the Ferry Building;

Replacement Parking. The MOU spells out options for incorporating a underground parking garage on Lot 202, or for the Port to receive compensation based on the value of the parking being displaced by the Roadway;

MUNI Ferry Bus Terminal. A portion of the expanded bus layover facility at Steuart and Mission Streets would be located on Port property. The Port is currently negotiating fair compensation with MUNI, for use of this property.

Hazardous Materials. The MOU assigns responsibility for removal of discovered hazardous materials to the associated project excavating such materials.

Staff expects to finalize the MOU and seek the Port Commission's approval of the MOU in August, 1997.

Schedule. The Department of Public Works anticipates advertising for construction bids in August, and plans to begin the 24 - 30 month construction period in January, 1998.

Prepared by: Paul Osmundson, Director, Planning and Development

PORT COMMISSION
CITY AND COUNTY OF SAN FRANCISCO

RESOLUTION NO. 97-68

WHEREAS, Removal of the freeway in the Ferry Building area has provided a unique opportunity to improve vehicle and pedestrian circulation to and from the waterfront and provide an appropriate and grand setting for the Ferry Building; and

WHEREAS, The Waterfront Transportation Projects Office has led the preparation of project design and an Environmental Impact Report (EIR) and Environmental Impact Statement (EIS) for the Mid-Embarcadero Roadway project to assess environmental impacts in the area; and

WHEREAS, The Planning Commission certified the Final EIR/EIS, amended the General Plan, and made a finding of consistency with the General Plan on September 19, 1996, and adopted the Mid-Embarcadero Urban Design Concept on October 10, 1996; and

WHEREAS, On October 8, 1996, the Port Commission adopted Resolution No.96-102, adopting findings under the California Environmental Quality Act related to a portion of the Mid-Embarcadero Roadway Project, and Resolution No. 96-103, approving the Roadway alignment and authorizing the Executive Director to negotiate an agreement regarding the review and final approval process for the project; and

WHEREAS, On November 12, 1996 the Port Commission approved Resolution No. 96-113 approving the Design Parameters for the Mid-Embarcadero Roadway Project; and

WHEREAS, The Waterfront Transportation Projects Office and a consultant team led by the ROMA Design Group have prepared final design drawings for the Mid-Embarcadero Roadway project based on the Design Parameters; and

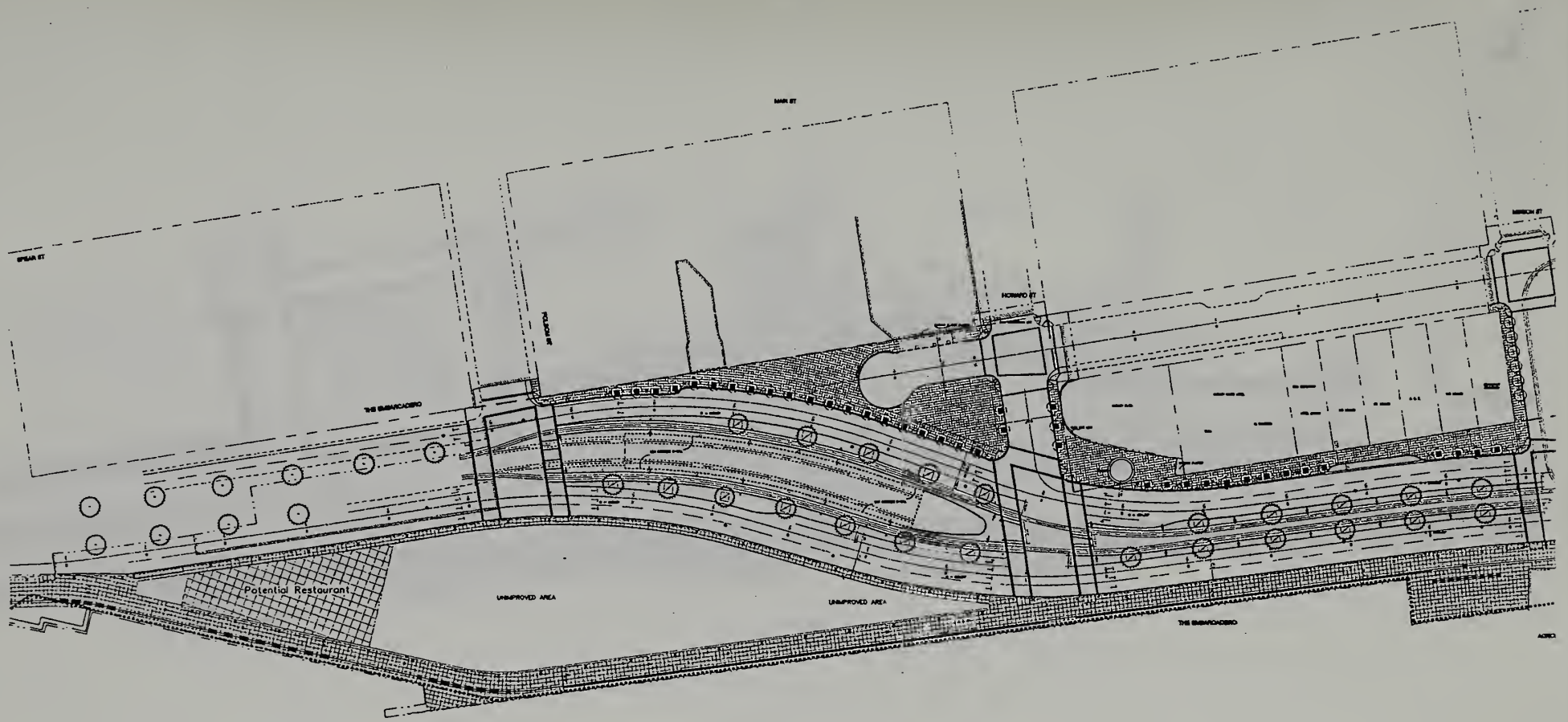
WHEREAS, The Waterfront Transportation Projects Memorandum Of Understanding between the Port, the Department of Public Works, the Department of Real Estate, the Public Transportation Commission, The Recreation and Parks Department is being revised to reflect the unique conditions of the Mid-Embarcadero Roadway project and define project responsibilities; now, therefore, be it

RESOLVED, that the Port Commission approves the final design of the Mid-Embarcadero Roadway project as indicated on the drawings attached as Appendix 'A'; and be it further

RESOLVED, that the Port Commission directs Port staff to finalize the Waterfront Transportation Projects Memorandum Of Understanding and return it to the Port Commission for consideration.

I hereby certify that the foregoing resolution was adopted by the Port Commission at its meeting of July 22, 1997.

_____
Secretary



MID-EMBARCADERO ROADWAY

BUREAU OF ENGINEERING/DEPARTMENT OF PUBLIC WORKS
CITY AND COUNTY OF SAN FRANCISCO, CALIFORNIA

ROMA
ARCHITECTURE, LANDSCAPE ARCHITECTURE
URBAN DESIGN, AND PLANNING

CONSULTANTS
Mel Arbogast - Horticulturist
The Engineering Enterprise - Lighting Consultants
Harrison Hemming - Graphic Design
Greg Poos - Architectural Architect
Rosso Associates Inc. - Arborist, Landscape Architects
Bayley Consultancy Group - Construction Consultants
Rosso Engineering Group - Structural Engineers
Telemark Consulting Engineers - MEP Consultants

ARTISTS
Stanley Saitowitz
Barbara Stauffacher Solomon
Vito Acconci
Buster Simpson
Bill Vazquez

SCALE: 1" = 50'-0"

DATE: May 15, 1997

NOTE: THIS DRAWING IS REDUCED AND NOT TO SCALE IF SHEET SIZE IS SMALLER THAN 30" x 42"

NORTH

PLAN NORTH

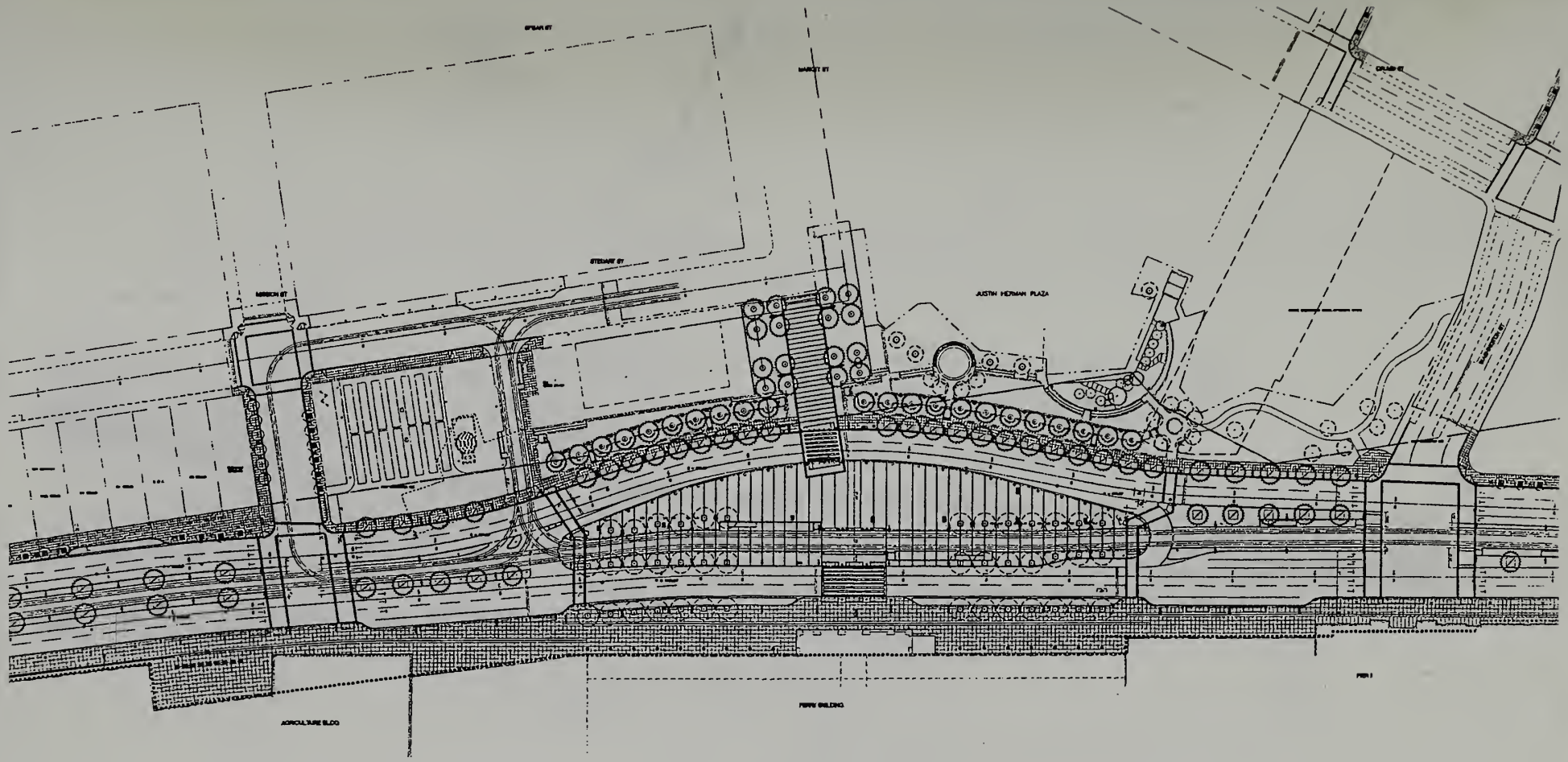
SHEET TITLE:

PROPOSED ROADWAY ALIGNMENT AND URBAN DESIGN TREATMENT

HARRISON TO MISSION

SHEET NO:

EL1



MID-EMBARCADERO ROADWAY

BUREAU OF ENGINEERING/DEPARTMENT OF PUBLIC WORKS
CITY AND COUNTY OF SAN FRANCISCO, CALIFORNIA

ROMA
ARCHITECTURE, LANDSCAPE ARCHITECTURE
URBAN DESIGN, AND PLANNING

CONSULTANTS

SCALE: 1" = 50'-0"
DATE: May 15, 1997

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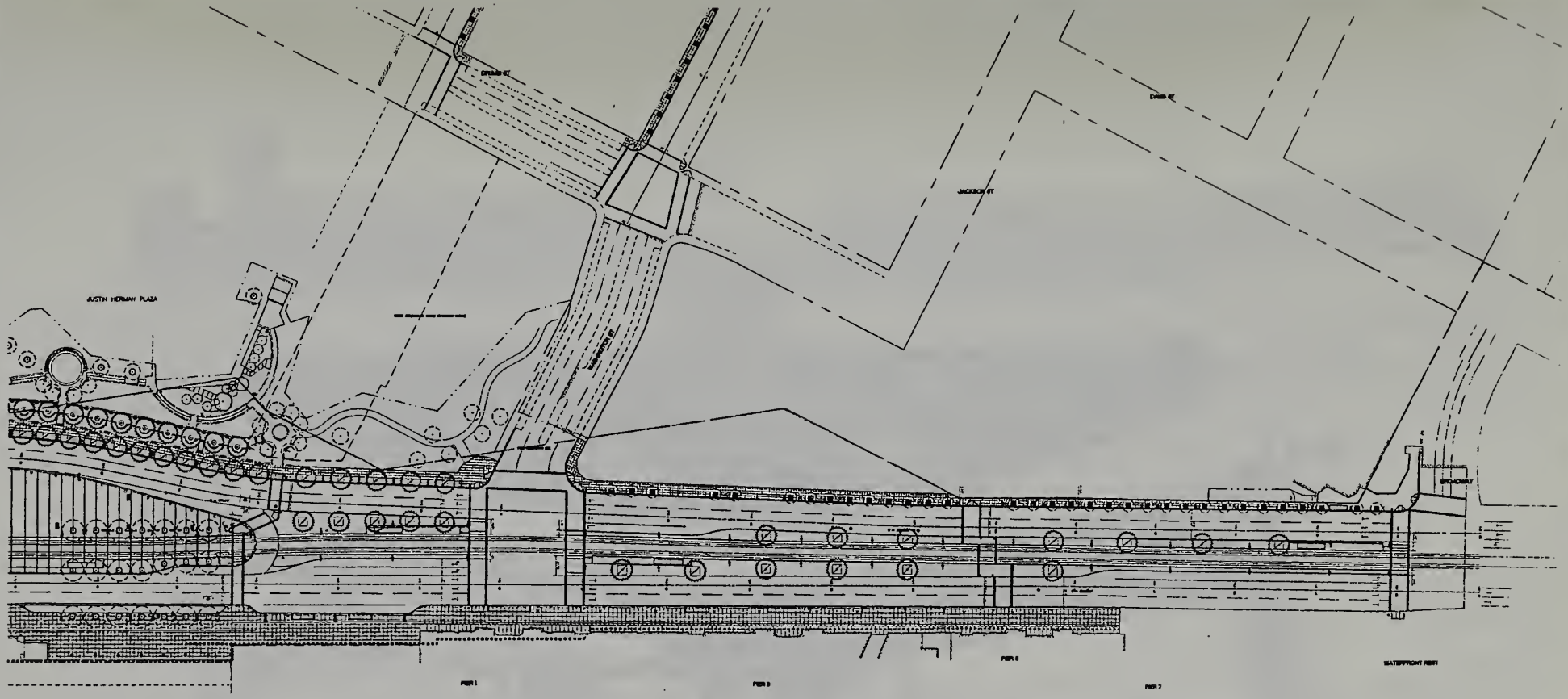
NORTH
PLAN NORTH

SHEET TITLE:
PROPOSED ROADWAY ALIGNMENT AND URBAN DESIGN TREATMENT
MISSION TO WASHINGTON

SHEET NO.
EL2



MID-EMBARCADERO ROADWAY

BUREAU OF ENGINEERING/DEPARTMENT OF PUBLIC WORKS
CITY AND COUNTY OF SAN FRANCISCO, CALIFORNIA

ROMA
ARCHITECTURE LANDSCAPE ARCHITECTURE
URBAN DESIGN, 2ND PLANNING

CONSULTANTS

ARTISTS

SCALE: 1" = 50'-0"

DATE: May 15, 1997

NOTE: THIS DRAWING IS REDUCED AND NOT TO SCALE IF SHEET SIZE IS SMALLER THAN 30" x 42"

NORTH
PLAN NORTH

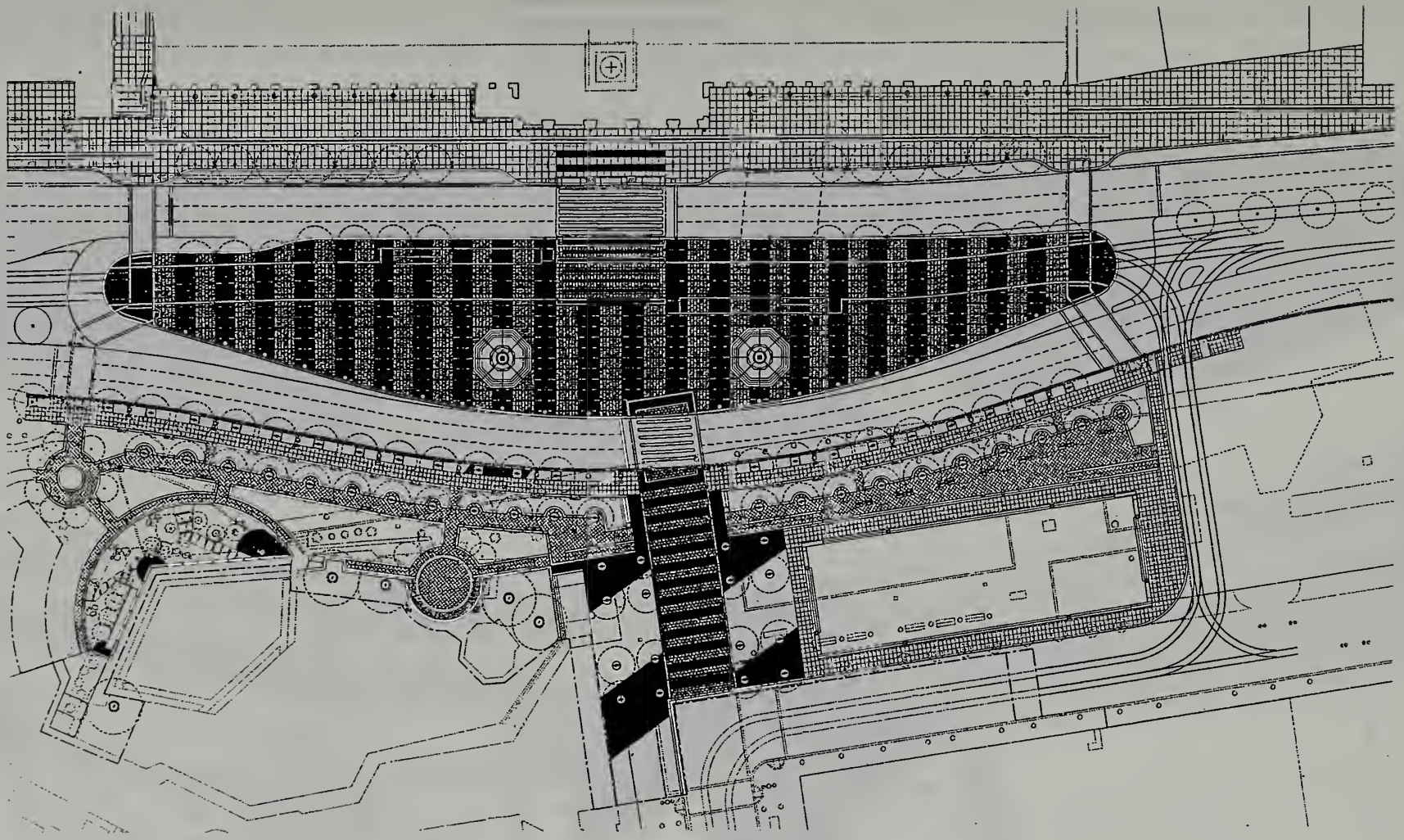
SHEET TITLE:

PROPOSED ROADWAY ALIGNMENT AND URBAN DESIGN TREATMENT

WASHINGTON TO BROADWAY

SHEET NO:

EL3



MID-EMBARCADERO ROADWAY

BUREAU OF ENGINEERING/DEPARTMENT OF PUBLIC WORKS
CITY AND COUNTY OF SAN FRANCISCO, CALIFORNIA

ROMA
ARCHITECTURE, LANDSCAPE ARCHITECTURE
URBAN DESIGN AND PLANNING

CONSULTANTS
Hortus Arborgold - Horticulturalist
The Engineering Enterprise - Lighting Consultants
Gray Pfotz - Associated Architects
Bruce Associates Inc. - Arbitic Landscape Architects
Sayer Consulting Group - Construction Consultants
Bionn Engineering Group - Structural Engineers
Tauranac Consulting Engineers - MEP Consultants

ARTISTS
Stanley Saitowitz
Barbara Kauffacher/Rosanton
Vito Acconci
Buria Emerson
Bill Maxwell

REVISIONS
21 MAY 97

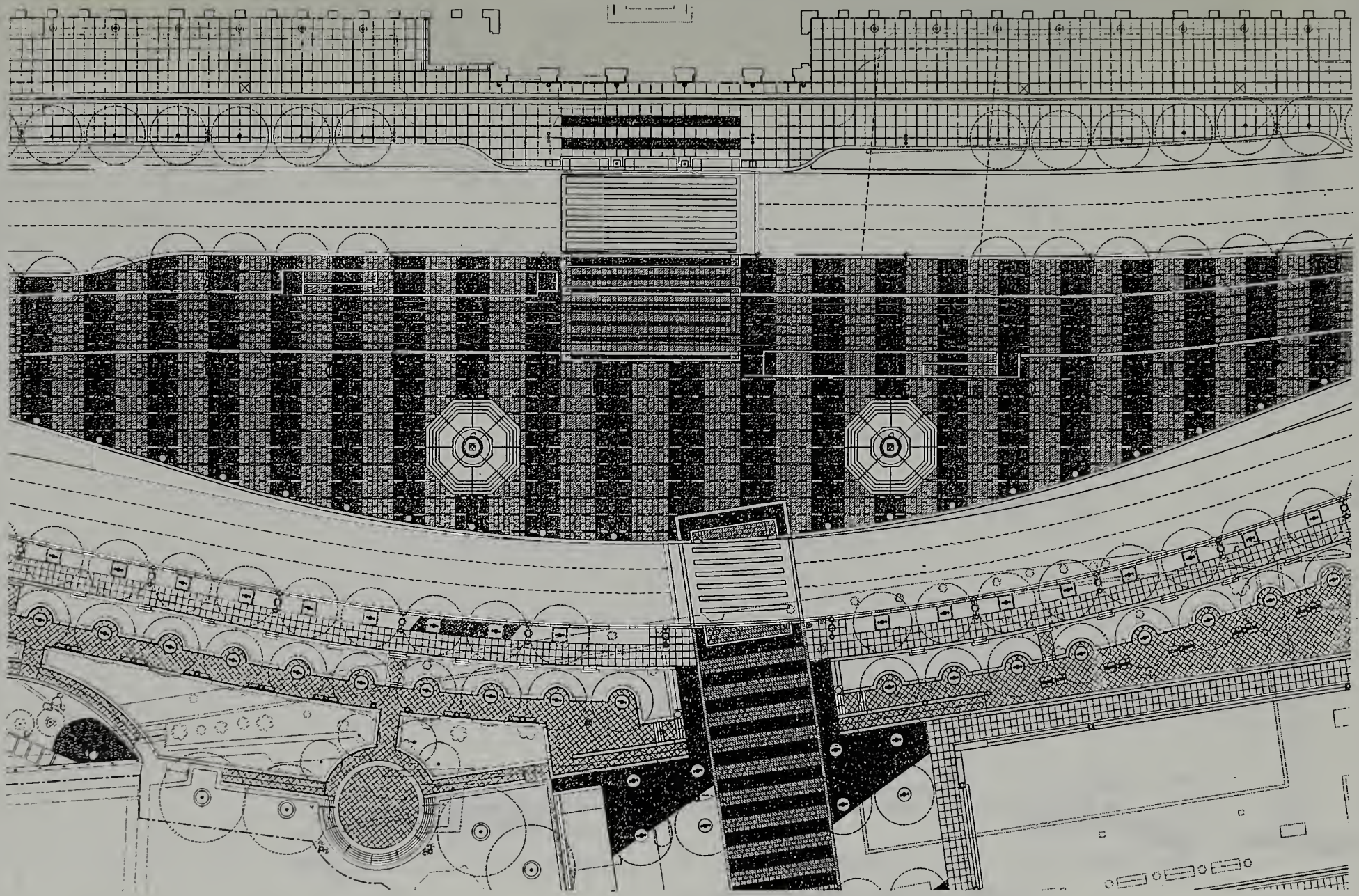
SCALE:
1"-30'-0"
DATE:
15 APRIL 97

NOTE THIS DRAWING IS REDUCED AND NOT TO SCALE IF SHEET SIZE IS SMALLER THAN 30" x 42"

NORTH
PLAN NORTH

SHEET TITLE:
CITYSIDE TRANSITION
DESIGN DEVELOPMENT DRAWINGS
KEY PLAN
-NOT FOR CONSTRUCTION-

SHEET NO:
L1



MID-EMBARCADERO ROADWAY

BUREAU OF ENGINEERING/DEPARTMENT OF PUBLIC WORKS
CITY AND COUNTY OF SAN FRANCISCO, CALIFORNIA

ROMA
ARCHITECTURE, LANDSCAPE ARCHITECTURE
URBAN DESIGN, AND PLANNING

CONSULTANTS

ARTISTS

REVISIONS
31 MAY 97

SCALE:
1/16" = 1'-0"

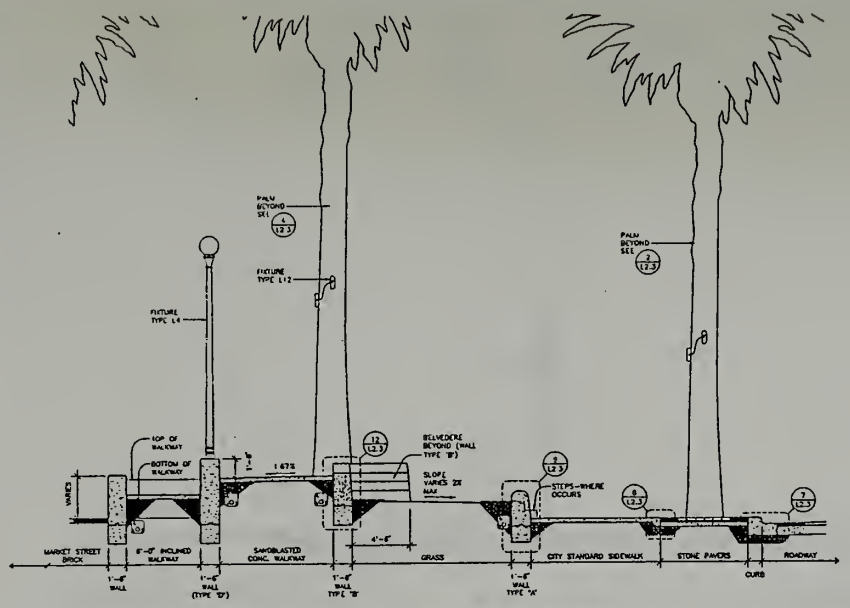
DATE:
15 APRIL 97

NOTE: THIS DRAWING IS REDUCED AND NOT TO SCALE IF SHEET SIZE IS SMALLER THAN 30" x 42"

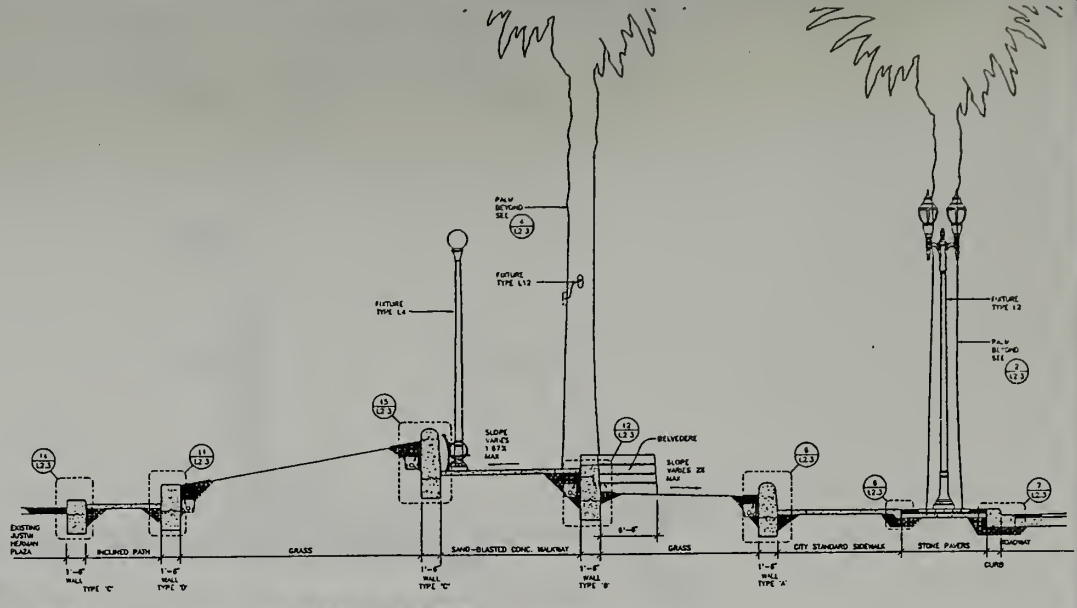
NORTH
PLAN NORTH

SHEET TITLE:
CITYSIDE TRANSITION
DESIGN DEVELOPMENT DRAWINGS
PARTIAL KEY PLAN
–NOT FOR CONSTRUCTION–

SHEET NO:
L1A



3 SECTION @ SOUTH OF MARKET ROADWAY EDGE
1/4" = 1'-0"



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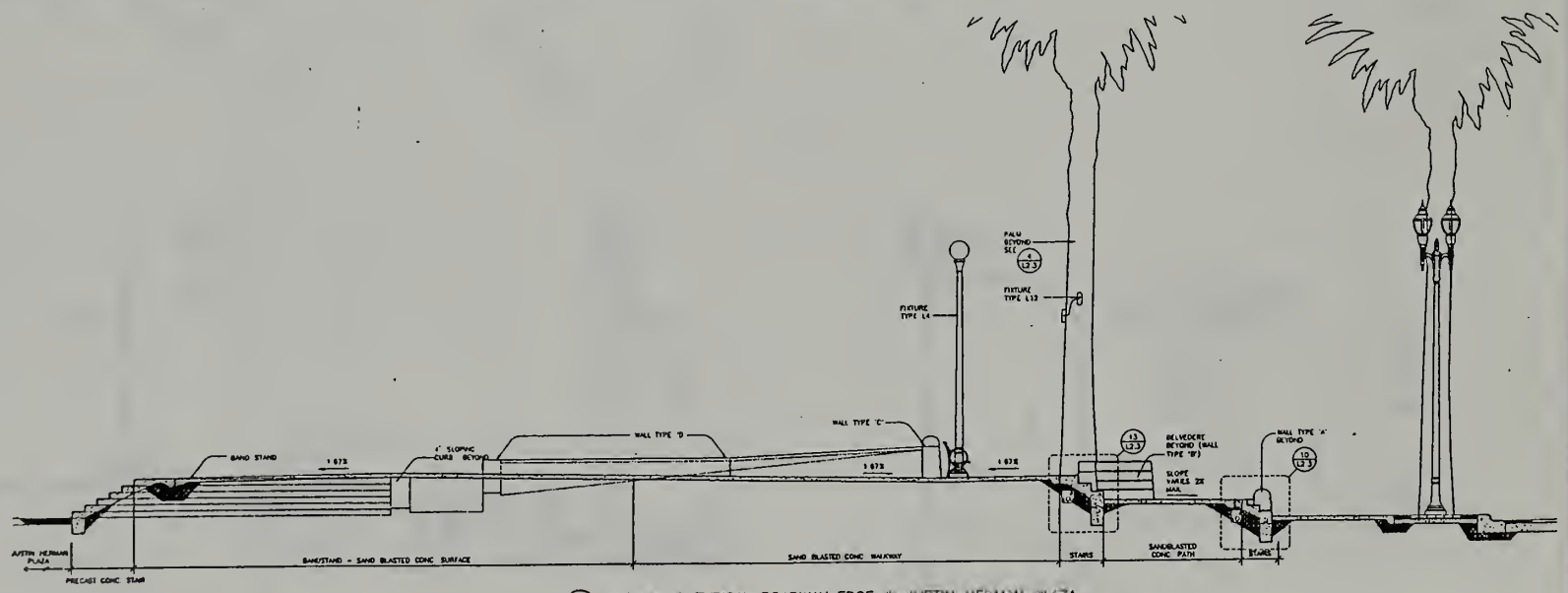


2 SECTION @ TYPICAL ROADWAY EDGE & JUSTIN HERMAN PLAZA
1/4" = 1'-0"

MID-EMBARCADERO ROADWAY

BUREAU OF ENGINEERING/DEPARTMENT OF PUBLIC WORKS
CITY AND COUNTY OF SAN FRANCISCO, CALIFORNIA

ROMA
ARCHITECTURE, LANDSCAPE ARCHITECTURE
URBAN DESIGN, AND PLANNING

CONSULTANTS
Ian Aikapaal - Horticulturist
The Engineering Enterprise - Lighting Consultants
Greg Reyn - Associated Architect
Rosso Associates Inc. - Assoc. Landscape Architects
Degrix Consulting Group - Construction Consultants
Swirs Engineering Group - Structural Engineers
Tauscher Consulting Engineers - MEP Consultants

ARTISTS
Stanley Saitowitz
Barbara Stauffacher Solomon
Vito Acconci
Buster Simpson
Bob Maxwell

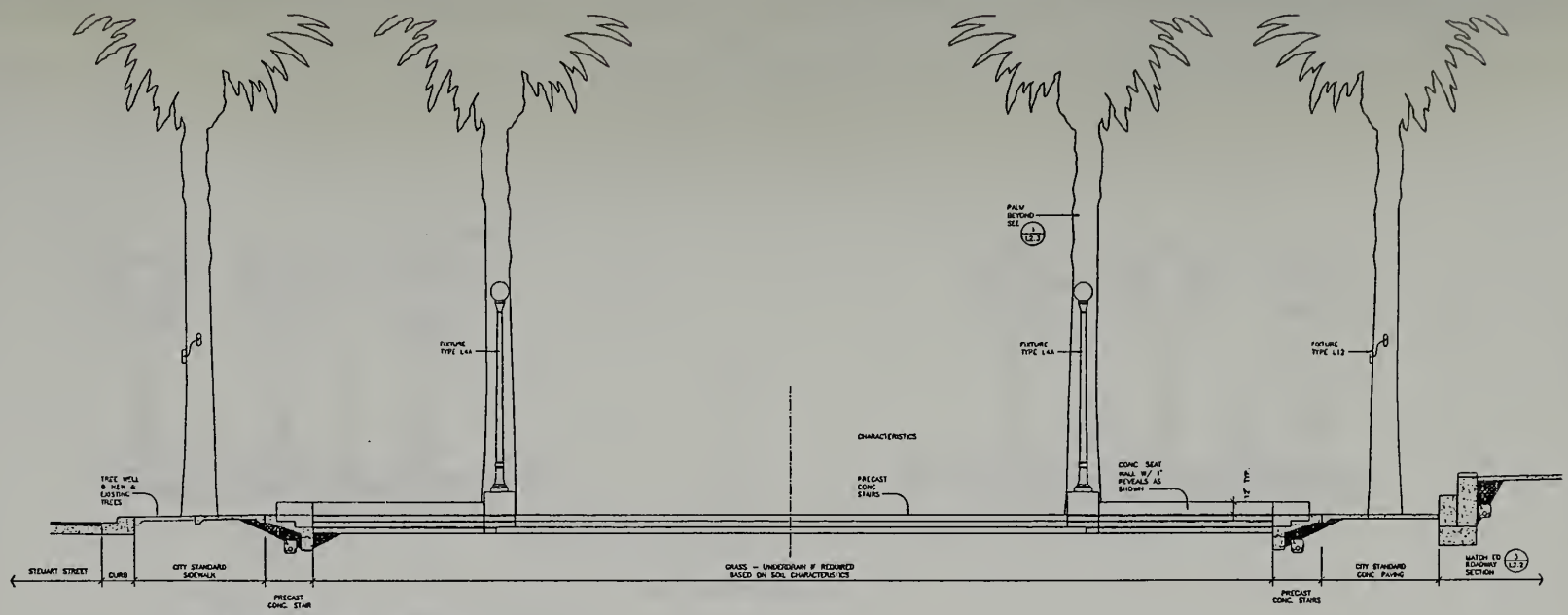
REVISIONS
21 MAY 97

SCALE:
AS NOTED
DATE:
15 APRIL 97

NOTE: THIS DRAWING IS REDUCED AND NOT TO SCALE IF SHEET SIZE IS SMALLER THAN 30" x 42"

SHEET TITLE:
CITYSIDE TRANSITION
DESIGN DEVELOPMENT DRAWINGS
SECTIONS & ELEVATIONS
-NOT FOR CONSTRUCTION-

SHEET NO:
L2.1



3 SECTION @ SUNKEN GRASS ACTIVITY AREA
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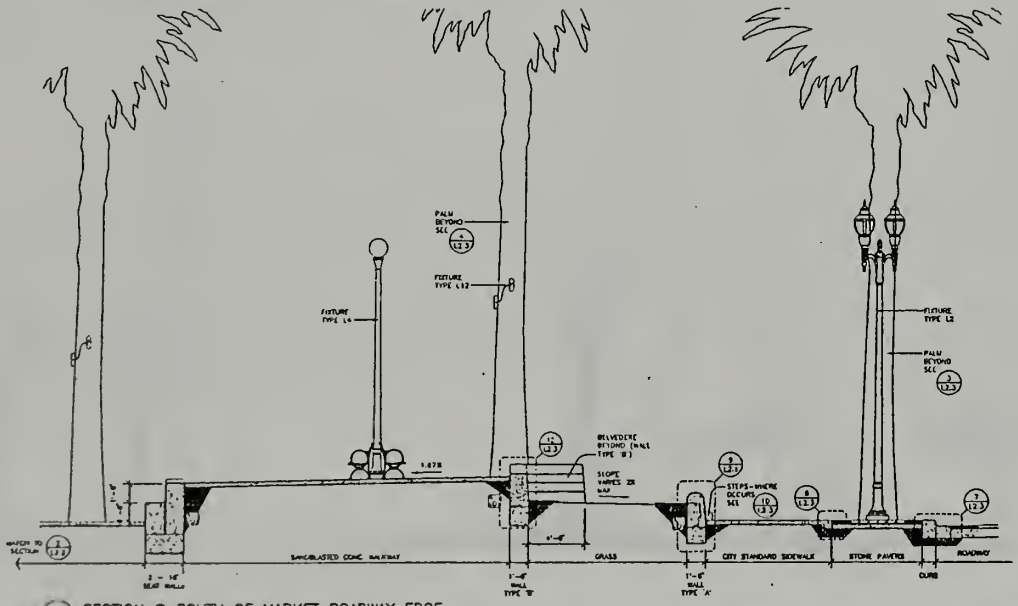

3 SECTION @ SOUTH OF MARKET ROADWAY EDGE
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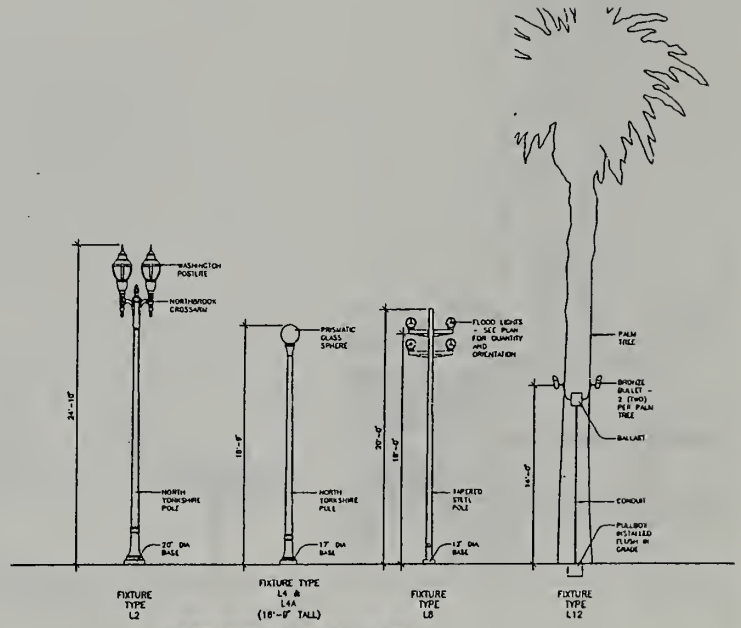


1 STREET LIGHT ELEVATIONS
1/4" = 1'-0"

MID-EMBARCADERO ROADWAY

BUREAU OF ENGINEERING/DEPARTMENT OF PUBLIC WORKS
CITY AND COUNTY OF SAN FRANCISCO, CALIFORNIA

ROMA
ARCHITECTURE, LANDSCAPE ARCHITECTURE
URBAN DESIGN, AND PLANNING

CONSULTANTS
Mia Allegretti - Horticulturist
The Engineering Enterprise - Lighting Consultant
Gary Hoza - Associated Architect
Bonelli Associates PC - Assoc. Landscape Architects
Bayrot Consulting Group - Construction Consultants
Sierra Engineering Group - Structural Engineers
Tewksbury Consulting Engineers - M&P Consultants

ARTISTS
Barney Blakeney
Barbara Blau/Rachel Rifkin
Mia Arguilla
Buster Simpson
Bill Mitchell

REVISIONS
21 MAY 97

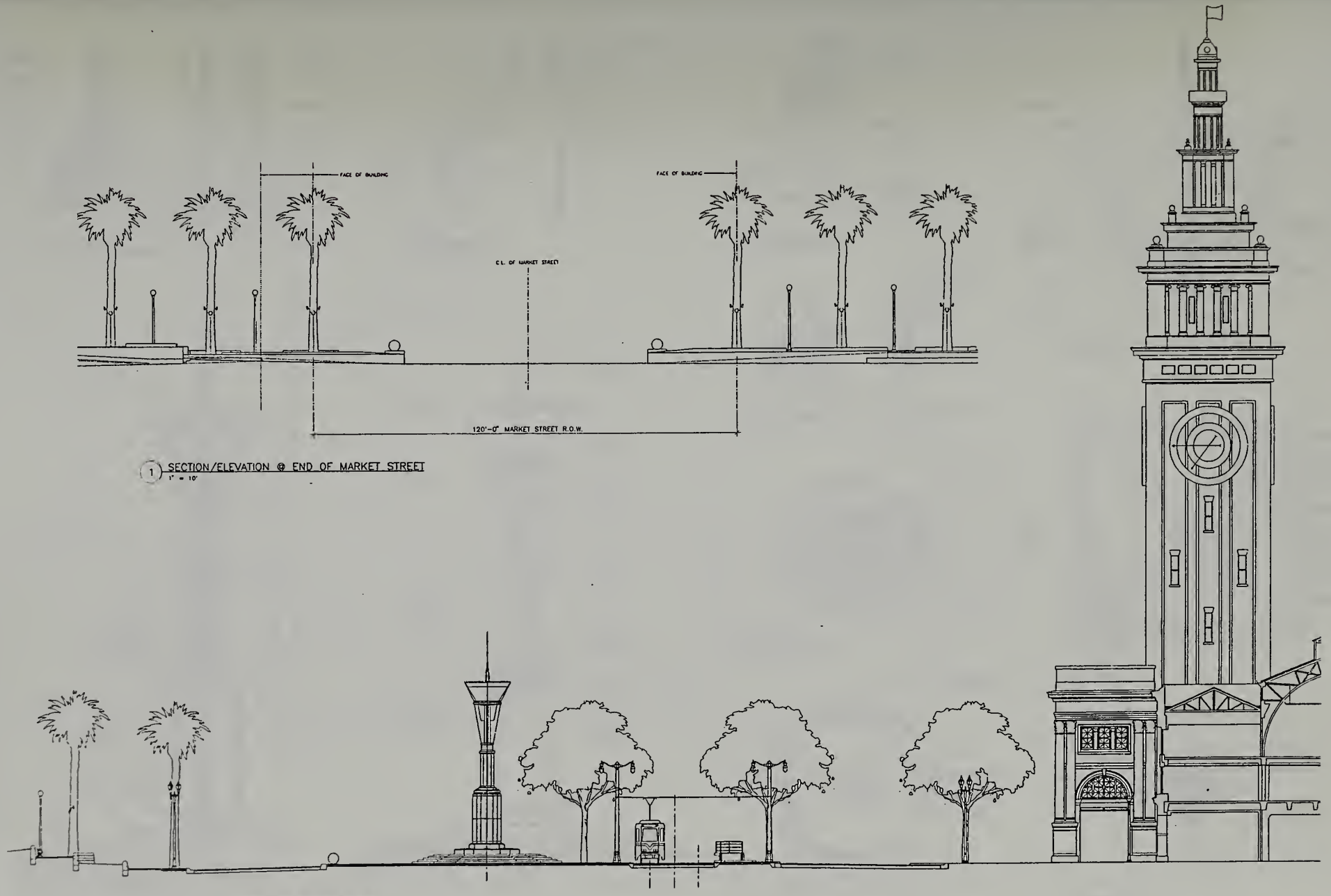
SCALE: AS NOTED
DATE: 16 APRIL 97

NOTE: THIS DRAWING IS REDUCED AND NOT TO SCALE IF SHEET SIZE IS SMALLER THAN 30" x 42"

SHEET TITLE:
CITYSIDE TRANSITION
DESIGN DEVELOPMENT DRAWINGS
SECTIONS & ELEVATIONS
–NOT FOR CONSTRUCTION–

SHEET NO:
L2.2

(1) SECTION/ELEVATION @ END OF MARKET STREET
1" = 10'



(2) SECTION @ CENTER OF TRANSIT PLAZA
1" = 10'

MID-EMBARCADERO ROADWAY

BUREAU OF ENGINEERING/DEPARTMENT OF PUBLIC WORKS
CITY AND COUNTY OF SAN FRANCISCO, CALIFORNIA

ROMA
ARCHITECTURE, LANDSCAPE ARCHITECTURE
URBAN DESIGN, AND PLANNING
[illegible]

CONSULTANTS
[illegible]

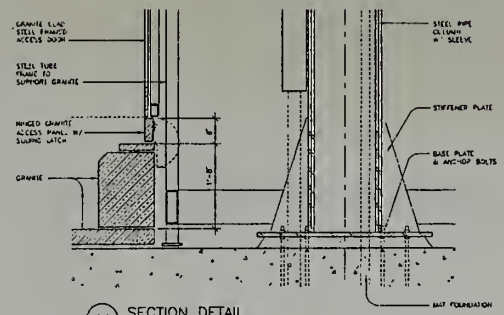
ARTISTS
[illegible]

REVISIONS
15 MAY 97

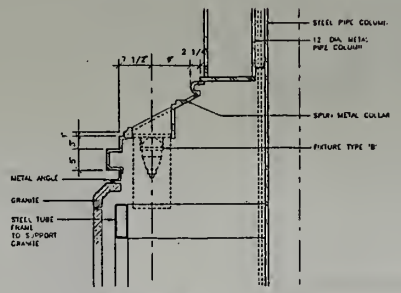
SCALE:
1" = 10'-0"
DATE:
15 MAY 97
NOTE THIS DRAWING IS REDUCED AND NOT TO SCALE IF SHEET SIZE IS SMALLER THAN 30" x 42"

SHEET TITLE:
CITYSIDE TRANSITION
DESIGN DEVELOPMENT DRAWINGS
OVERALL SECTIONS
--NOT FOR CONSTRUCTION--

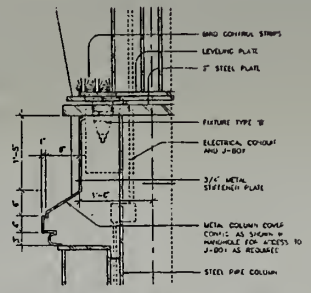
SHEET NO:
L2.6


GRANITE CLAD STEEL FRAMED ACCESS DOOR
STEEL TUBE FRAME TO SUPPORT GRANITE
HINGED GRANITE ACCESS PANEL W/ SWING LATCH
GRANITE
STEEL PIPE COLUMN W/ SLEEVE
STIFFENER PLATE
BASE PLATE & ANCHOR BOLTS
MAT FOUNDATION

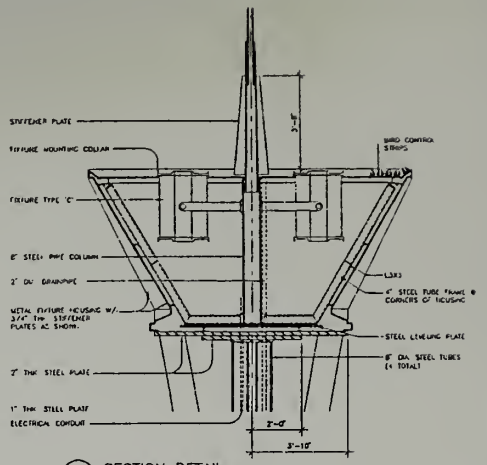
11 SECTION DETAIL
1"=1'-0"



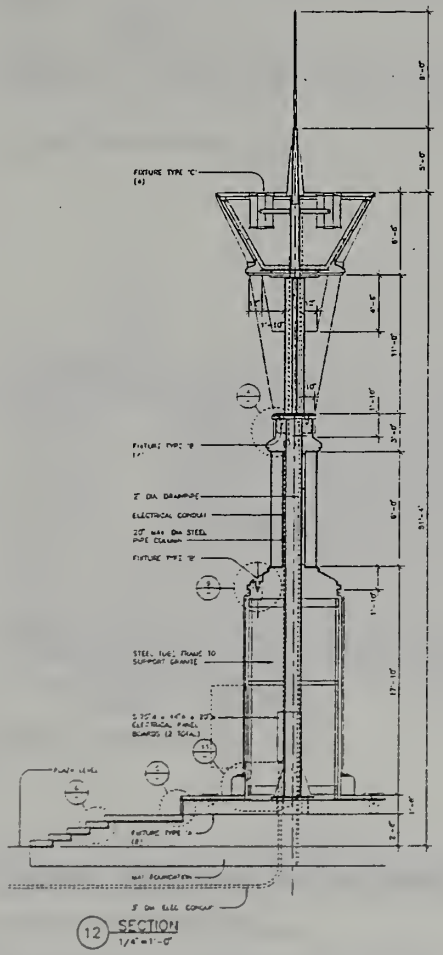
9 SECTION DETAIL
1"=1'-0"


BIRD CONTROL STRIPS
LEVELING PLATE
3" STEEL PLATE
FIXTURE TYPE 'B'
ELECTRICAL CONDUIT AND J-BOX
3/4" METAL STIFFENER PLATE
METAL COLUMN COVER CONICAL AS SHOWN W/ HANDHOLE FOR ACCESS TO J-BOX AS REQUIRED
STEEL PIPE COLUMN

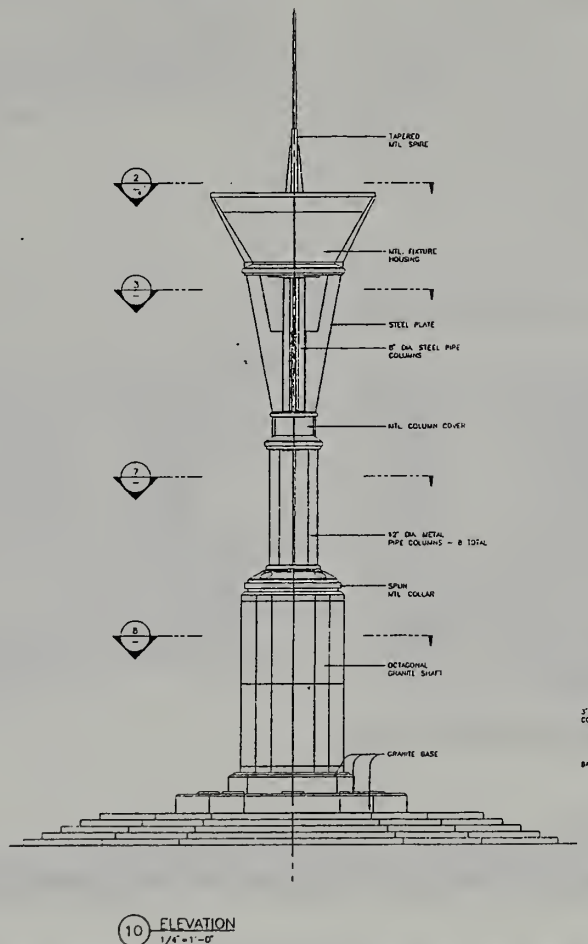
4 SECTION DETAIL
1"=1'-0"



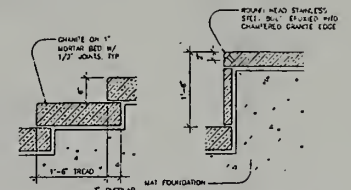
1 SECTION DETAIL
1/2"=1'-0"


FIXTURE TYPE 'C' (6)
FIXTURE TYPE 'B'
3" DIA DRAINPIPE
ELECTRICAL CONDUIT
20" max DIA STEEL PIPE COLUMN
FIXTURE TYPE 'B'
STEEL LUG FRAME TO SUPPORT GRANITE
5 3'0"x 10'0" x 3/8" ELECTRICAL PANEL BOARDS (2 TOTAL)
FIXTURE TYPE 'A' (8)
MAT FOUNDATION
3" DIA ELEC CONDUIT

12 SECTION
1/4"=1'-0"

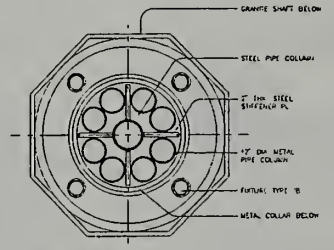


10 ELEVATION
1/4"=1'-0"

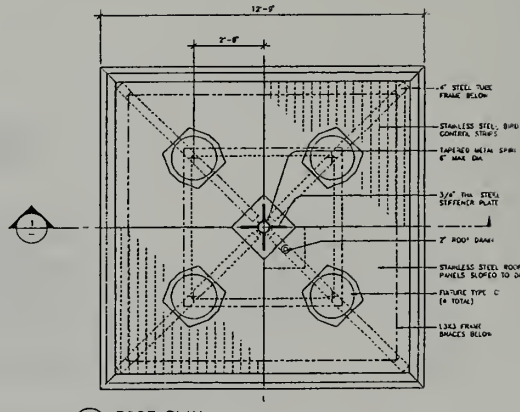

GRANITE ON 1" MORTAR BED W/ 1/2" JOINTS, TYP
1'-6" TREAD
3" OVERLAP
ROUND HEAD STAINLESS STEEL BOLT EPOXIED INTO CHAMFERED GRANITE EDGE
1'-6"
MAT FOUNDATION

6 SECTION DETAIL
1"=1'-0"

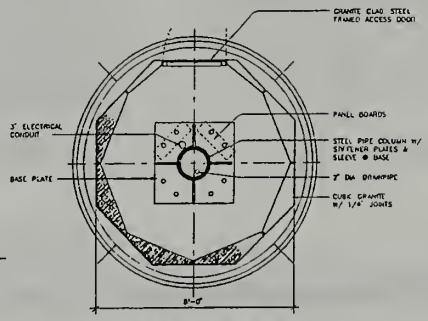
5 SECTION DETAIL
1"=1'-0"



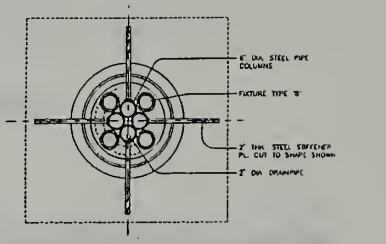
7 PLAN DETAIL
1/2"=1'-0"


12'-0"
2'-8"
6" STEEL TUBE FRAME BELOW
STAINLESS STEEL BIRD CONTROL STRIPS
TAPERED METAL SPIRE 6" MAX DIA
3/8" THK STEEL STIFFENER PLATE
3" ROOF DRAIN
STAINLESS STEEL ROOF PANELS SLOPED TO DRAIN
FIXTURE TYPE C (6 TOTAL)
L3X3 FRAME BRACES BELOW

2 ROOF PLAN
1/2"=1'-0"


GRANITE CLAD STEEL FRAMED ACCESS DOOR
3" ELECTRICAL CONDUIT
BASE PLATE
PANEL BOARDS
STEEL PIPE COLUMN W/ STIFFNER PLATES & SLEEVE @ BASE
3" DIA DRAINPIPE
CUBIC GRANITE W/ 1/4" JOINTS
8'-0"

8 PLAN DETAIL @ GRANITE SHAFT
1/2"=1'-0"



3 PLAN DETAIL
1/2"=1'-0"

MID-EMBARCADERO ROADWAY

BUREAU OF ENGINEERING/DEPARTMENT OF PUBLIC WORKS
CITY AND COUNTY OF SAN FRANCISCO, CALIFORNIA

ROMA
ARCHITECTURE, LANDSCAPE ARCHITECTURE
URBAN DESIGN, AND PLANNING

CONSULTANTS
MEP Engineers: MEP/Consultants
Fire Engineering & Planning: Fire Engineering Consultants
Gray Muse: Associated Architect
Lemon Associates Inc.: Associate Landscape Architects
Lawyer Consulting Group: Construction Consultants
Lantz Engineering Group: Structural Engineers
Townsend Consulting Engineers: MEP Consultants

ARTISTS
Stanley Saitowitz
Barbara Stauffacher Solomon
Vito Acconci
Ursula Krinzinger
Bill Lundberg

REVISIONS

SCALE: AS NOTED
DATE: 15 APRIL 97

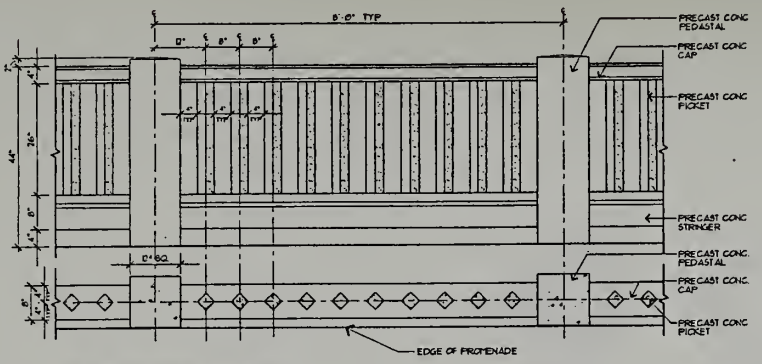
NOTE: THIS DRAWING IS ENLARGED AND NOT TO SCALE IF SHEET SIZE IS SMALLER THAN 30" x 42"

SHEET TITLE:

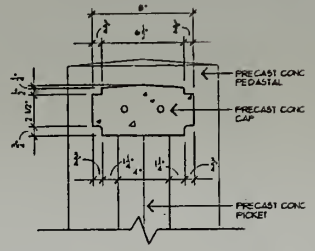
TRANSIT PLAZA
DESIGN DEVELOPMENT DRAWINGS
LIGHT CANNON DETAILS
–NOT FOR CONSTRUCTION–

SHEET NO:

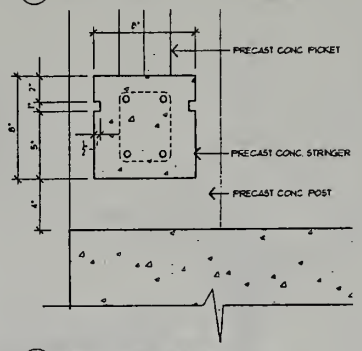
L2.4



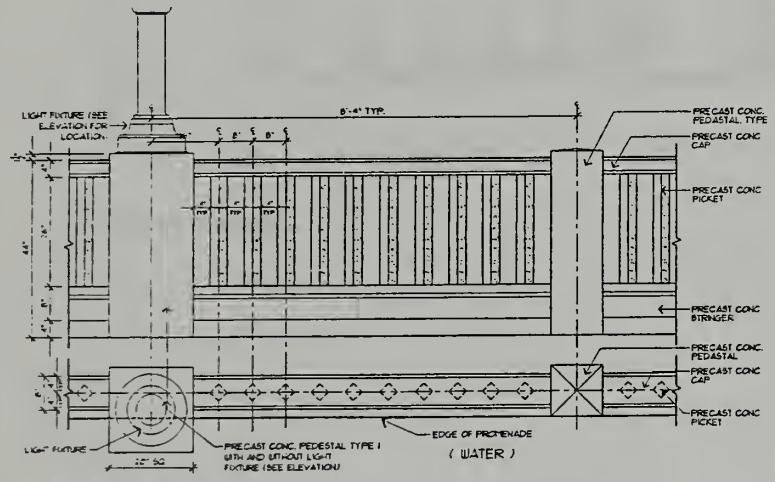
1 PRECAST CONC. RAILING SYSTEM
SCALE: 1" = 1'-0"



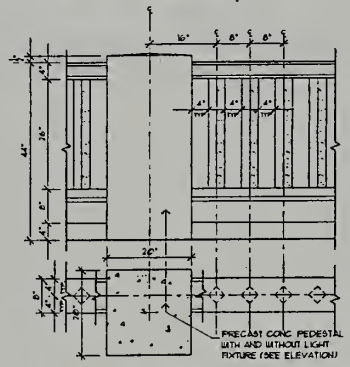
3 PRECAST CONC. CAP
SCALE: 3" = 1'-0"



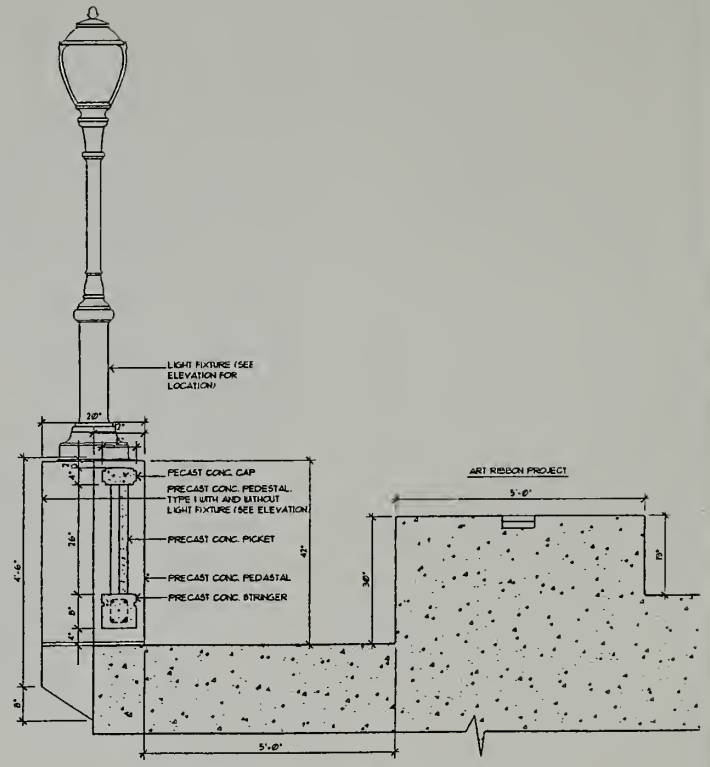
4 PRECAST CONC. STRINGER
SCALE: 3" = 1'-0"



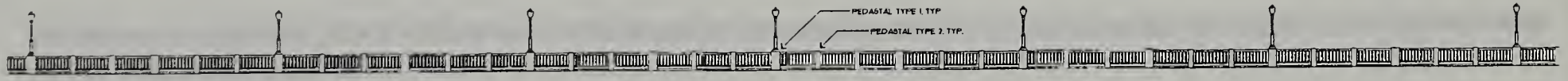
2 PRECAST CONCRETE PEDASTAL
SCALE: 1" = 1'-0"



5 PRECAST CONCRETE PEDASTAL TYPE 1
SCALE: 1" = 1'-0"



6 SECTION - PRECAST CONC. RAILING SYSTEM
SCALE: 1" = 1'-0"



7 RAILING ELEVATION AT RINCON PARK
SCALE: 1/8" = 1'-0"

MID-EMBARCADERO ROADWAY

BUREAU OF ENGINEERING/DEPARTMENT OF PUBLIC WORKS
CITY AND COUNTY OF SAN FRANCISCO, CALIFORNIA

ROMA
ARCHITECTURE, LANDSCAPE ARCHITECTURE
URBAN DESIGN AND PLANNING

CONSULTANTS
Mel Anagnos - Horticulturalist
The Engineering Enterprise - Lighting Consultants
Morton Hamerling - Graphic Design
Wiley Hays - Associated Architects
Hoover Associates Inc. - Historic Landscape Architects
Levine Consulting Group - Construction Consultants
Lowry Engineering Group - Structural Engineers
Townsend Consulting Engineers - MEP Consultants

ARTISTS
Stanton Berkowitz
Barbara Grub/Rachel Scoonover
Vito Acconci
Buster Simpson
Bill Vazquez

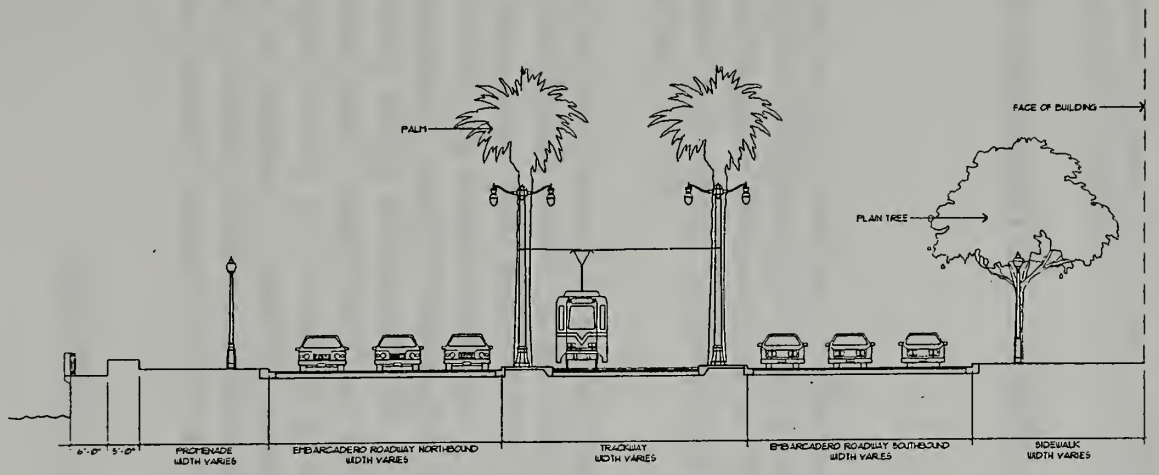
SCALE: 1" = 50'-0"
AS NOTED
DATE: May 15, 1997
5-22-97

NOTE: THIS DRAWING IS REDUCED AND NOT TO SCALE IF SHEET SIZE IS SMALLER THAN 30" x 42"

NORTH
PLAN NORTH

SHEET TITLE:
EMBARCADERO ROADWAY
DESIGN DEVELOPMENT DRAWINGS
RAILING ELEVATION & DETAILS
-NOT FOR CONSTRUCTION-

SHEET NO.
EL 3



1 SECTION AT THE EMBARCADERO
SCALE: 1/8" = 1'-0"

2 RAILING ELEVATION FROM BAY NORTH OF RINCON PARK
SCALE: 1/8" = 1'-0"

MID-EMBARCADERO ROADWAY

BUREAU OF ENGINEERING/DEPARTMENT OF PUBLIC WORKS
CITY AND COUNTY OF SAN FRANCISCO, CALIFORNIA

ROMA
ARCHITECTURE, LANDSCAPE ARCHITECTURE
URBAN DESIGN, AND PLANNING

SCALE: 1 - 50'-0"
1/8" = 1'-0"
DATE: May 15, 1997
MAY 23, 1997

NOTE: THIS DRAWING IS
FOLD AND NOT TO
SCALE IF SHEET SIZE IS
SMALLER THAN 30" x 42"

NORTH
PLAN NORTH

SHEET TITLE
EMBARCADERO ROADWAY
DESIGN DEVELOPMENT DRAWINGS
RAILING ELEVATION & SECTION
-NOT FOR CONSTRUCTION-

SHEET NO:
EL 4

PORT OF SAN FRANCISCO **MEMORANDUM**

July 16, 1997

Ferry Building
San Francisco, CA 94111
Telephone 415 274 0400
Telex 275940 PSF UR
Fax 415 274 0528
Cable SFPORTCOMM
Writer

TO: MEMBERS, PORT COMMISSION
Hon. Michael Hardeman, President
Hon. Denise McCarthy, Vice President
Hon. Frankie Lee
Hon. James R. Herman

FROM: Douglas F. Wong
Executive Director

SUBJECT: Approval of amendment to lease with Bundox Restaurant, Inc., d.b.a. Waterfront Restaurant, at Pier 7½.

DIRECTOR'S RECOMMENDATION: APPROVE AMENDMENT

BACKGROUND

On October 11, 1994, the Port Commission by Resolution No. 94-133 approved Lease #L-11859 ("Lease") with Bundox Restaurant, Inc. ("Bundox"), involving the expansion and major redevelopment of the Waterfront Restaurant at Pier 7½, and the Port Commission approved two subsequent amendments to the Lease. Construction of the Waterfront Restaurant redevelopment project commenced May 1, 1997.

The Lease provides that Base Rent will be reduced from $17,500.00 per month to $5,000.00 per month during the construction period, in the event Bundox closes to the public during the construction (with this reduced Base Rent limited to a maximum of nine months). Bundox has determined that it can keep the restaurant open during construction, which will enable it to retain its employees and customers, which is beneficial to both Bundox and the Port. However, the potential sales volume during construction will be limited, and Bundox will experience extraordinary operating costs. Bundox therefore desires to amend the Lease to provide that the Base Rent be decreased during the construction period to $5,000.00 per month, even though Bundox stays open for business. In addition, during the approval process for the proposed redevelopment, BCDC required some modifications in the size and location of the public access improvements, which makes it necessary to now amend the description of the Premises.

THIS PRINT COVERS CALENDAR ITEM No. 9A

PROPOSED AMENDMENT

Premises: Replace Exhibit A of the Lease with a new Exhibit A, which is attached to this Memorandum.

Base Rent: From the date Bundox commences construction of the tenant improvements to the building on the Premises until substantial completion of the tenant improvements to the building, the Base Rent shall be reduced from $17,500.00 per month to $5,000.00 per month; provided, however, this reduced Base Rent shall be for a period not to exceed the lesser of nine months, or for the period ending upon the issuance to Bundox of a certificate of occupancy or conditional certificate of occupancy for the tenant improvements to the building. Percentage rent will still be due during this period, but will be offset by the smaller amount of Base Rent.

Construction Period: The commencement date for this construction period is established as May 1, 1997.

Prepared by: Kirk W. Bennett, Sr. Property Manager, Northern Waterfront/Fisherman's Wharf

PORT COMMISSION
CITY AND COUNTY OF SAN FRANCISCO

RESOLUTION No. 97-70

WHEREAS, Charter Section B3.581 empowers the Port Commission with the power and duty to use, conduct, operate, maintain, manage, regulate and control the Port area of San Francisco; and

WHEREAS, under Charter Section B3.581(g) leases granted or made by the Port Commission shall be administered exclusively by the operating forces of the Port Commission; and

WHEREAS, Port Commission approval is being sought for the Third Amendment to Lease #L-11859 between the Port and Bundox Restaurant, Inc., the business terms of which are set forth in the Memorandum for Agenda Item 9A for the Port Commission meeting on July 22, 1997; now therefore, be it

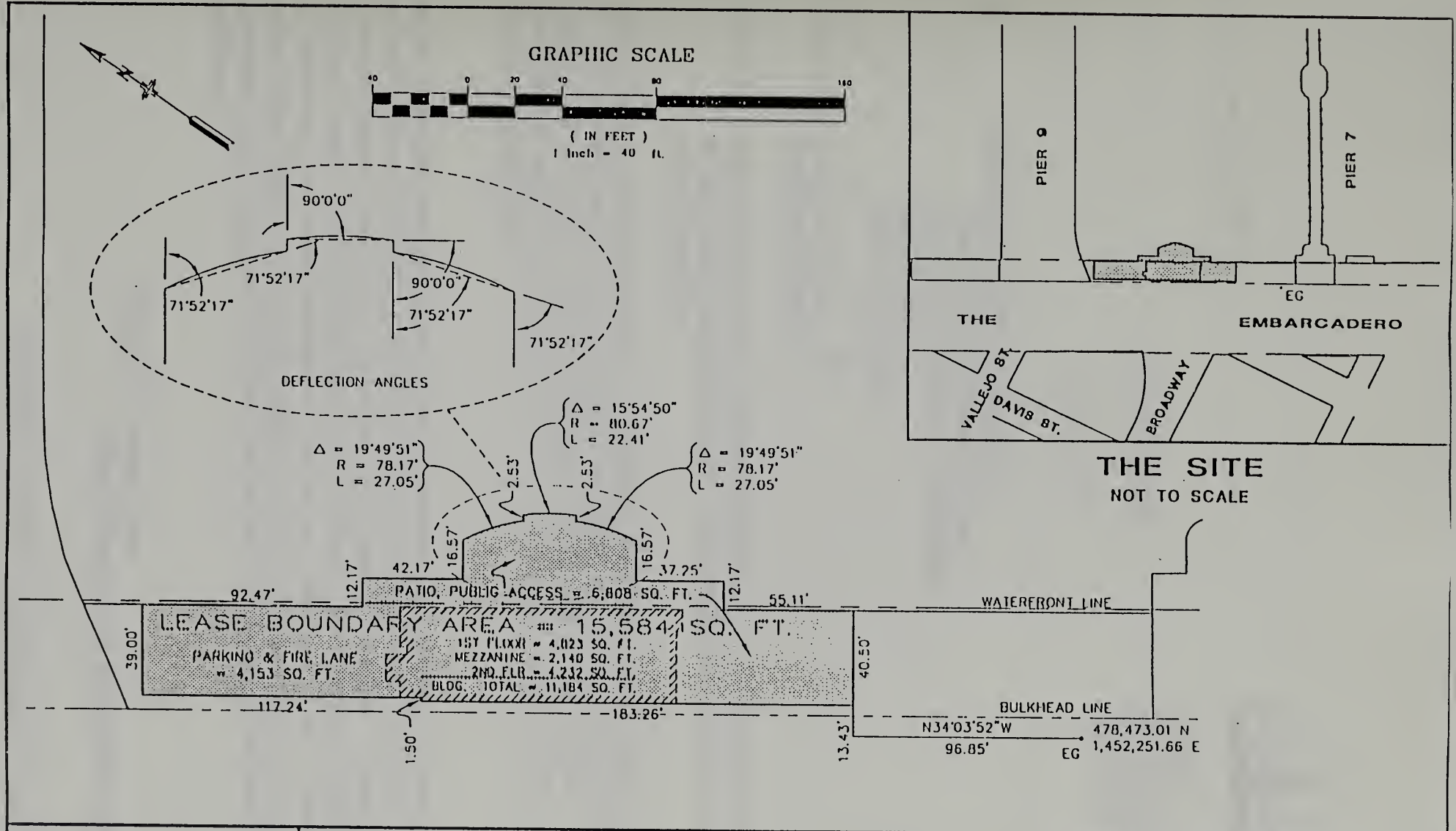
RESOLVED, that the Port Commission hereby approves the Third Amendment to Lease #L-11859 between the Port and Bundox Restaurant, Inc., which incorporates the business terms set forth in the Memorandum for Agenda Item 9A for the Port Commission meeting on July 22, 1997, and which is substantially in the form on file with the Secretary of the Port Commission's for said agenda item; and the Port Commission hereby authorizes the Executive Director of the Port, or his designee, to execute the Third Amendment to Lease #L-11859 on behalf of the Port in such final form as is approved by the City Attorney.

I hereby certify that the foregoing resolution was adopted by the Port Commission at its meeting of July 22, 1997.

_____
Secretary

I:\WP51\BUNDOX.KB\July 16, 1997

EXHIBIT A



APPROVED BY
SAN FRANCISCO PORT COMMISSION
DATE _____

_____
CHIEF HARBOR ENGINEER

PORT OF SAN FRANCISCO
SAN FRANCISCO PORT COMMISSION
DEPARTMENT OF ENGINEERING

BUNDOX RESTAURANT, INC.
LEASE NO. L-11859

DESIGNED BY: P. WILSON	CHECKED BY: ---
DRAWN BY: AMN	DATE: 2 JUL 97
DATA FILE: ---	SCALE: 1" = 40'
DRAWING NO. PIER7HX.DWG	SHEET NO. 1 OF 1 SHEETS

PORT OF SAN FRANCISCO

Ferry Building
San Francisco, CA 94111
Telephone 415 274 0400
Telex 275940 PSF UR
Fax 415 274 0528
Cable SFPORTCOMM
Writer

MEMORANDUM

July 16, 1997

TO: MEMBERS, PORT COMMISSION
Hon. Michael Hardeman, President
Hon. Denise McCarthy, Vice President
Hon. Frankie Lee
Hon. James Herman

FROM: Douglas F. Wong
Executive Director

SUBJECT: Request for approval for Executive Director to sign a dredging lease with the State Lands Commission which requires the Port to indemnify the State Lands Commission.

DIRECTOR'S RECOMMENDATION: AUTHORIZE THE EXECUTIVE DIRECTOR TO SEEK APPROVAL OF THE SAN FRANCISCO BOARD OF SUPERVISORS AND SUBSEQUENTLY SIGN A LEASE AGREEMENT WITH THE STATE LANDS COMMISSION WHICH REQUIRES THE PORT TO INDEMNIFY THE STATE LANDS COMMISSION.

In order to perform maintenance work at various locations within the Port's jurisdiction, the Port must secure a dredging lease from the State Lands Commission. The lease agreement includes a clause which requires the Port to indemnify the State of California, its officers, agents or employees against any claim, demand, cause of action or liability of any kind arising out of or in connection with the issuance of the lease. This is a form of indemnification which the Port typically requires. In order for the Port to sign the lease agreement, approval must first be obtained from the Port Commission and the Board of Supervisors.

Prepared by: Roberta Jones
Manager, Regulatory & Environmental Affairs

THIS PRINT COVERS CALENDAR ITEM NO. 9B

PORT COMMISSION
CITY AND COUNTY OF SAN FRANCISCO

RESOLUTION NO. 97-71

WHEREAS, the Port must perform maintenance dredging at various Port facilities on a regular basis in order to provide sufficient water depth for vessels; and

WHEREAS, in order to perform maintenance dredging work at various locations within the Port's jurisdiction, the Port must secure a dredging lease from the State Lands Commission; and

WHEREAS, the lease agreement includes a clause which requires the Port to "indemnify," save harmless, and at the option of the State, defend the State of California, its officers, agents and employees, against any and all claims, demands, causes of action, or liability of any kind which may be asserted against or imposed upon the State of California or any of its officers, agents or employees by any third person or entity arising out of or connected with issuance of this Lease or Lessee's operations under this Lease or the use by Lessee or its agents, employees or contractors, of the Leased Lands;" and

WHEREAS, in order for the Port staff to sign this Lease agreement with this indemnification clause, approval must first be obtained from the Port Commission and the San Francisco Board of Supervisors; therefore, be it

RESOLVED, that the Commission hereby authorizes the Executive Director to sign the subject Lease agreement with the State Lands Commission provided the proper approval is obtained from the Board of Supervisors.

I hereby certify that the foregoing resolution was adopted by the Port Commission at its meeting of July 22, 1997.

_____
Secretary

SAN FRANCISCO
PORT COMMISSION

JULY 22, 1997
MINUTES OF THE REGULAR MEETING

DOCUMENTS DEPT.

OCT 0 8 1999

SAN FRANCISCO
PUBLIC LIBRARY

MEMBERS, PORT COMMISSION

HON. MICHAEL HARDEMAN, PRESIDENT
HON. DENISE McCARTHY, VICE PRESIDENT
HON. FRANKIE G. LEE
HON. JAMES HERMAN

DOUGLAS F. WONG, EXECUTIVE DIRECTOR

CITY & COUNTY OF SAN FRANCISCO
PORT COMMISSION

MINUTES OF THE REGULAR MEETING
4:00 P.M., JULY 22, 1997

1. ROLL CALL

The meeting was called to order by Commission President Michael Hardeman at 4:04 p.m. The following Commissioners were present: Michael Hardeman, Denise McCarthy and James Herman. Commissioner Frankie Lee was not present.

2. APPROVAL OF MINUTES - June 24, 1997 Special & Regular Meeting
- July 16, 1997 Special Meeting

Commissioner Hardeman indicated that although the July 16 minutes were verbatimly transcribed, he requested that the approval of the minutes be deferred to the next meeting since Commissioner Lee was not present and a couple of typos were noted such as Larry Baer's name was misspelled. Commissioner McCarthy added that she has not had the opportunity to review the minutes.

3. EXECUTIVE

A. Executive Director's Report: Mr. Wong reported that when staff went out to seek the $12 million loan for the Maintenance Relocation, it also intended to purchase the Interest Rate Cap. Because of the fluctuation of the market, staff wanted to ensure that, since this loan was being advertised on a short-term ten year program, we receive a cap of no more than 8-1/2 percent. He reported that the interest rate cap was bid on Friday, July 18. The winning bidder was Canadian Imperial Bank of Commerce. The winning bid was $202,000 which is equal to 168 basis points. The cover bid was $204,000 which is equal to 170 basis points. J.P. Morgan was the cover bid. The cost is considerably less than staff has budgeted for last April ($380,000) for the following reasons: (1) the 10-year treasury bond has dropped from its peak of 6.97% in April to 6.15% today; (2) the yield curve has flattened; and (3) the interest rate has come down considerably. He commended Ben Kutnick and Stephanie Downs for putting this deal together.

Commissioner Hardeman thanked Mr. Kutnick for saving the Port a substantial amount of money. Mr. Kutnick gave credit to Stephanie Downs, who did all the work.

4. MARITIME

A. Approval of Third Amendment to Non-Exclusive Management Agreement with Stevedoring Services of America at Piers 94-96, Cargo Way and Jennings Street. (Resolution No. 97-62)

Mr. Peter Dailey, Acting Maritime Director, stated that the Port has had a contractual relationship with Stevedoring Services of America ("SSA") to operate the South Container Terminal at Piers 94-96 since the early 1980's. The current five-year Non-Exclusive Management Agreement with SSA, dated August 25, 1993, commenced November 1, 1993, expires October 31, 1998, unless terminated by either party giving ninety (90) days' prior written notice. This management agreement, as is the industry standard, calls for payment by the Port of a management fee as compensation for performing the services of managing, operating and soliciting business for the facility.

In 1993, shipping business at Pier 94/96 cargo volumes exceeded 75,000 twenty-foot container equivalent units. In subsequent years however, the Port experienced significant business reversals that decreased the amount of shipping business at Pier 94-96 to a fraction of that level thus taking away the necessary critical mass for profitable management of the terminal by SSA.

In order to keep the terminal open, in June of 1995 the Port Commission approved a one-year amendment with SSA to increase the management fee to cover their expected losses. In FY 95/96 the actual management fee paid to SSA under this agreement was $464,000 against Port revenues generated at the facility of $537,000. In June 1996 the Port Commission approved another one-year interim management fee of $750,000 to cover SSA's losses during FY 96/97. In that same fiscal year, the facility generated $829,000 in Port revenues.

During the two-year period of these management fees, the Port has attracted four shipping companies to Pier 94/96. The pier now has an annual volume of more than 15,000 twenty foot container equivalents, up from only 5,000 in FY 95/96.

In May 1997, the Port began negotiations with SSA to determine the financial arrangement required to maintain a full-service terminal operation in FY 97/98. After much analysis of SSA's profit and loss statements both by Port staff and Port auditors, Hood & Strong, it became clear that in spite of continued increases in cargo volume, the costs of running a full service, full time container terminal basis will require an additional supplemental management fee for the Fiscal Year 97/98. It is estimated that SSA could require a management fee to a maximum of $1,200,000 to operate the terminal during the 1997-1998 Fiscal Year. Port staff estimates that $1,030,000 will be generated to the Port in shipping activity at the terminal during the same period.

Staff proposed to amend the Management Agreement with SSA to allow the Port to continue to substitute an interim management fee of a maximum of $600,000, in arrears, to cover net operating losses during the first six months of the 1997-1998 Fiscal Year. These funds will be paid from a combination of revenues generated by keeping the facility operating and, if necessary any shortfall will be paid from the Port's operating surplus. The Port will work with SSA during the six-month agreement to explore both ways to reduce expenses as well as increase revenues at the terminal. The Port will also use this period to explore other possible operating

scenarios. The proposed amendment calls for the Port to meet with SSA in October of 1997 to attempt to negotiate the compensation period from January 1, 1998 through June 30, 1998. In the event that the Port and SSA cannot reach an agreement by October 31, 1997 on the amount of compensation to be paid to Management Contractor after December 31, 1997, then either Party may at that time after October 31, 1997 and upon 30 days written notice elect to terminate the Agreement. This amendment will provide the Port's shipping customers with a stable terminal situation for the remainder of the year and allow staff to fully explore a longer term, more economical solution to this situation.

Commissioner Herman reiterated that SSA claimed that they need $1.2 million and staff countered with $600,000. Mr. Dailey concurred that SSA needs a maximum of $1.2 million but staff countered with $600,000 for a six-month period. Commissioner Herman inquired if SSA has received that proposal. Mr. Dailey replied that they have received the proposal and have agreed to it. Staff and an independent auditor analyzed their figures and believed that there are ways to reduce that figure but needed to have a situation in place for the next six months. The facility generated approximately $1 million in Port revenues and it is estimated that SSA needs, at a worse case, a $1.2 million subsidy from the facility. Commissioner Herman inquired about Marine Terminals interest on the property. Mr. Dailey indicated that staff is in discussions with more than one competing public terminal operator. Commissioner Herman inquired if the Port will be able to cancel the agreement once SSA signed off on the proposed deal. Mr. Dailey stated that this arrangement will allow staff to look at other scenarios since the Port does not want to lose what it has by changing stevedoring companies. Staff is aggressively looking at two or three different options that could provide the Port more economy. Commissioner Herman asked if it is San Francisco cargo and if the likelihood of losing it is somewhat remote. Mr. Dailey indicated that the terminal operators in Oakland are very aggressive since APL's and NOL's merger. APL is apparently back on the market, looking at our business, nipping at our heels trying to get our shipping companies to go to their facility. Commissioner Herman stated that he did not understand 's APL connection. Mr. Dailey indicated that the Port of San Francisco is competing with both the Port of Oakland and other terminal operators in Oakland such as APL. They are constantly going to our customers looking for our business. The Port of San Francisco has to have an arrangement in place to get some stability. Commissioner Herman indicated that getting into a competitive brawl with them means an exorbitant amount of subsidy for those operators of the terminal. It may prove to be unrealistic since they are covered in many different ways. He wondered at what point do we say enough. Mr. Peter agreed with Commissioner Herman but indicated that staff is entertaining other opportunities although it is not yet in a complete form. Other terminal operators are interested in operating Pier 94/96 in a cheaper manner but they have not put their final deal together yet. Staff needs a few more months in order to get those competing proposals finalized.

Commissioner Herman inquired whether staff has calculated how much it would offset the amount of subsidy they are looking for. Mr. Dailey indicated that staff has calculated it and analyzed it in a number of ways. They feel that their expenses,

based upon the throughput of cargo at that facility necessary to operate it, are such that SSA cannot operate it properly without a management fee from the Port. Commissioner Herman indicated that a $1 million a year is a lot of money. Mr. Dailey concurred with Commissioner Herman. However, the Port generates $1 million a year from the facility as well. Commissioner Herman asked regarding the analysis of the situation. Mr. Dailey indicated that staff has analyzed the SSA deal and hopes to have two competing bids presented to the Commission in the middle of August from two other stevedore companies. Staff expects to finalize the full transaction between now and the first of the year. Commissioner Herman wondered why it would take that long to finalize. Mr. Dailey stated that staff has been in conversations with them since May. They have analyzed the figures and are working with their contract managers to see what their bottom line would be. He made the Commission aware that SSA also has contracts with the Port's shipping companies and staff does not want to scare the shipping companies by providing unstable business environment for them. He emphasized that the Port has to remain cognizant of the fact that the shipping lines are our partners in this transaction.

Commissioner Herman asked if anyone has sat down on our side and raised the question in-house of how long a subsidy in this amount can be continued. Mr. Dailey replied that this question was asked internally but until the Port receives another option, which staff hopes to get in the next few months from the competing stevedore companies, staff needs to proceed with this agreement. Staff is also starting to market that facility in the way that it needs to be marketed. There is an opportunity out there to generate more business at Piers 94/96. Staff anticipates an increase in revenue in this year over last year. Staff thinks that the trend is up and this would bridge that gap until a more long term solution is sought.

Commissioner Herman indicated that he was reluctant to vote because the arguments favoring it were not persuasive. He hoped that staff can bring this to a conclusion by keeping what is more favorable to the Port and making a tough decision after the availability of niche cargo is evaluated. He thought that there has to be an aggressive pursuit of a different idea. He reiterated that the Port takes in a $1.1 million but it costs $1.2 million to operate the facility. He noted that he was willing to give it a try but the Port has to be on notice that there is a terminal point to this giveaway. They are not a company that is without the wherewithal to do something. It is a question of this subsidy being very attractive to them. Commissioner Herman requested an interim report by the end of the year.

Mr. Dailey indicated that staff concurs with Commissioner Herman's comments. In the last two years, the Commission approved a one-year operating management fee with SSA. This year, staff is only asking for a six-month extension. However, time is of the essence. Port staff and its auditors have fully scrutinized their books and are finding ways to reduce their management subsidy amount.

Commissioner Hardeman concurred with Commissioner Herman's comments. He hoped that staff can get a better deal as soon as possible. He added that it would be wise to subsidize the operation for six months.

Commissioner Herman reiterated that the Port should put the company on notice that this is the final period that it will tolerate this kind of subsidy unless arguments are presented to the Commission as to why it would approve maintaining a losing operation at a cost that comes from winning operations. He hopes that the niche cargo that he knows is available can fill a terminal like that.

ACTION: Commissioner McCarthy moved approval; Commissioner Herman seconded the motion. All of the Commissioners were in favor; the resolution was adopted.

5. REAL ESTATE AND ASSET MANAGEMENT

A. Approval of lease with America True, Inc. at Pier 17. (Resolution No. 97-63)

Mr. Kirk Bennett, Senior Property Manager, indicated that in 1995, the San Diego Yacht Club lost the America's Cup to the Royal New Zealand Yacht Club. The next race for the America's Cup will therefore be held in Auckland, New Zealand in the year 2000. Two San Francisco Bay Area syndicates have been formed to mount separate challenges for the America's Cup in New Zealand, with the goal of bringing the America's Cup back to the United States and specifically to the Bay Area.

The St. Francis Yacht Club, located in San Francisco, is sponsoring the America One Challenge lead by Paul Cayard. America One plans to establish its compound at Pier 3 as a part of the maritime facility planned by Hornblower Yachts, Inc., for which the Port Commission granted Hornblower Yachts, Inc. an Exclusive Right to Negotiate Agreement at its May 27, 1997 meeting. The San Francisco Yacht Club, located in Belvedere, is sponsoring the America True Challenge, involving a coed team led by Dawn Riley. The office for the America True Challenge is currently located in the World Trade Center, and the America True Challenge proposes to establish its compound at on the marginal wharf of Pier 17 and in the front portion of the Pier 17 shed.

The proposed term of the lease is as follows: The tenant is America True, Inc. a California nonprofit corporation. The premises will comprise Initial Premises and Expansion Premises. The tenant will be granted an Option to Expand the Premises to include the Expansion Premises, which must be exercised no later than April 1, 1998. The initial premises will consist of 2,878 sq. ft. of open pier space at the south end of the Pier 17 marginal wharf and 4,547 sq. ft. of office space on two floors in the Pier 17 shed building. These premises include the former scalers' union offices which are in significant repair and currently vacant. The expansion premises will consist of 12,338 sq. ft. of open wharf space at the north end of the Pier 17 marginal wharf, approximately 255 sq. ft. of office space and 8,656 sq.ft. of water area.

The lease term will commence 30 days following the receipt of BCDC approval and shall expire on December 31, 2000. The tenant shall have the right to terminate the lease after January 1, 1998, by giving the Port 90 days prior written notice.

The premises shall be used only for: (1) storage, launching, mooring and display facilities for America's Cup Challenge yachts; (2) for maritime offices and support facilities for America's Cup Challenge; (3) for maritime retail store limited to the sale of merchandise directly related to the America True America's Cup Challenge; and (4) for special events related to the America's Cup Challenge; and (5) ancillary parking.

The uses planned by the tenant have undergone CEQA review, and the tenant has been granted a categorical exemption for these uses.

The base rent for the initial premises is $5,137.00 per month. The base rent for the expansion premises is $2,170.00 per month for a total of $7,307.00 per month. The base rent was calculated by applying to the various parcels comprising the premises rental rates of $.15 per sq. ft. for the marginal wharf, $1.25 per sq. ft. for the first floor office/retail space and $.75 per square foot for the second floor office space. The base rent for the initial premises shall commence January 1, 1998, which will provide the tenant with a period of time to complete the design and construction of its improvements, as well as to partially offset the cost of improvements the tenant plans to undertake to make the premises usable.

The percentage rent is 9% of all gross receipts from retail sales, offset by the base rent. The tenant shall be responsible for all maintenance to the premises. The base rent and terms proposed for this lease are in conformance with the leasing parameters pre-approved by the Port Commission. Port Commission approval is needed because the lease allows retail uses.

Mr. Bennett acknowledged Chuck Reilly and Ed Kreis, representatives of America One. Commissioner McCarthy, on behalf of the Commission, welcomed them to the Port.

Commissioner Herman indicated that Pier 17 is a very good terminal. The Port has a program to embark upon a rejuvenation of maritime business and the Port is shrinking in pier availability. He inquired about how the Port can afford the risk of sacrificing a pier that is ideal in all respects to something that is attractive, admittedly financially renumerative, but might get in the way in a long-term proposition that has to do with what this Port is about - cargo. Mr. Bennett replied that in looking at the exhibit attached to this item, the marginal wharf space is the only space that will be leased, which is currently being used for parking. Currently, Pier 15/17 is used for a cargo sourcing activity. This proposed use, however, will not infringe on that activity nor will it infringe on Pier 19. He added that in laying out the space, they have sought input from the maritime group on any maritime issues and conflict with the uses and with the utilization of the water space. They have carefully looked at this site so as not to interfere with the activities on Pier 15, 17, 19 and 23.

Commissioner Herman stated that the Port has not had a program to acquire new kinds of cargo but staff is poised to submit one very soon. He asked if a stringer will be used. Mr. Bennett clarified that what he was referring to was the marginal wharf,

the portion of the wharf right along the sidewalk where the cars are parked. The apron area remains within the premises of the Parker Warehouse lease. Commissioner Herman asked for a definition of a marginal wharf. Mr. Bennett replied that he was referring to the area right along the street where the cars are parked which are located between Piers 17 and 19, not on the piers. His understanding was the marginal wharf refers to the area which looks like it is part of the landside but it is built over the piers, outside of the seawall. It is the area parallel with the street, right along the sidewalk. Commissioner Herman asked Mr. Bennett if he is confident that when a customer comes along who would prefer using Pier 17 for cargo that we would be able accommodate them in conjunction with accommodating this yacht project. Mr. Bennett replied that he is confident that we will be able to accommodate them and in further discussions with the maritime group, he was assured that there will be no unforeseen conflicts.

Commissioner Hardeman interjected and inquired if any member of the public wishes to speak on this or any other item on the agenda.

Mr. Peter Dailey submitted a drawing of the exhibit to Commissioner Herman. Mr. Bennett indicated that staff is procuring an aerial photograph which will clarify the area. Commissioner Herman inquired about the commencement of the project. Mr. Bennett replied that they will occupy the initial premises within the next 30 to 60 days. They expect to use the entire premises to display their America's Cup Challenge yachts early next year. Mr. Bennett clarified and showed Commissioner Herman the area America's Cup Challenge will be using. Commissioner Herman inquired if there are any BCDC prohibitions against vehicles on the pier as well as office space. Mr. Bennett replied that there currently is parking but they will be removing the parking area to store and display the vessels. He noted that there is no prohibition from BCDC for parking related to a maritime activity. Mr. Paul Osmundson, Director of Planning & Development, indicated that parking has been there since prior to the creation of BCDC.

Commissioner Hardeman commented that this is a very exciting time for the Port and it is going to be great for San Francisco. It is fantastic to have America's Cup in San Francisco Bay someday. This has been a dream of a lot of people. In a roundabout way, it is a maritime activity. It is ship and water-related activity too. Commissioner Herman indicated that we are always sentimental in projects similar to this or in this vein. He wants to get a little more sentimental about cargo space and about guaranteeing that when we reach the peak of the cargo we are searching for that it wouldn't be inhibited with projects unrelated to maritime. He suggested that this Port, with a vengeance, go after Port cargo and it can't be precluded from getting that cargo by the presence of this very nice and romantic project, which he thinks have real value, but not if it means that will impinge upon the room that we hope to use for other cargo.

Commissioner Herman then inquired if they have 30-60 days to move into the area. Mr. Bennett clarified that they have design work to do. In order for BCDC to process their application, they need to have a lease commitment from the Port. They are on a

fast track to get the Challenge ready. He reiterated that this lease only goes to the year 2000, then the America's Cup takes place. The race occurs the early part of 2000. They only have two years to get their compound together, work on their vessels and raise funds. They are on a tight schedule to proceed.

ACTION: Commissioner McCarthy moved approval; Commissioner Herman seconded the motion. All of the Commissioners were in favor; the resolution was adopted.

B. Approval of monthly Parking Stall Rate Schedule. (Resolution No. 97-64)

Mr. Bennett indicated that the Port operates a number of parking facilities where it rents individual parking stalls on a monthly basis. In 1993, the Port Commission approved a monthly parking stall rate schedule for the parking facilities. This monthly parking stall rate schedule was approved by the Port Commission with the understanding that Port staff would periodically present to the Port Commission for its review and approval revised rate schedules for monthly parking.

Port staff recently conducted a survey of parking facilities which offer monthly parking off of Port property, but in the vicinity of the facilities on Port property where the Port rents monthly parking stalls. The survey determined that the monthly parking stall rates for most of the Port facilities are less than the current market rates. Port staff recommends that the Port Commission approve new monthly parking rates as shown on the parking stall rate schedule. He noted that the schedule indicates the parking rates charged parking permittees which include the 25% parking tax that the Port passes through to the City. The recommendations indicated in the parking stall rate schedule are as follows:

(1) Lots A, B & C - $170
(2) Lots E, F & G - $180
(3) Pier 1/2 in the southside of the Ferry Building - $180
(4) Pier 1 shed - $200
(5) Pier 3 - $115
(6) Piers 9, 15, 17 - $150
(7) Piers 27 & 29 - $150
(8) Piers 1 and 29 (motorcycle parking) $25
(9) Pier 45 Shed C - $45
(10) Seawall Lot 303 - $100

This proposal will increase the monthly rates for most facilities by $30-$50 per stall. While this represents increases of 20%-38%, this is the first increase in almost four years, and consequently, the per annum increase for most spaces is in the range of 5%-10%. It should be noted that the changes are below and above this range for some of the facilities. Assuming no change in occupancy, the overall effect of the proposed changes in the parking stall rate schedule is to increase the total monthly revenue to the Port by approximately 24%, from $81,273 to $101,010.

Port staff further recommends that it be authorized to grant discounts of 20% for entities leasing ten or more parking spaces and Port staff further recommends that it also be granted the authority to grant discounts of up to 20% for individual parking stalls due to their configuration or location within a facility which makes them less desirable than other stalls in the same facility. The planned effective date for the proposed new parking stall rates for most facilities is September 1, 1997. Although the proposed effective date for the new rates at SWL 303 is January 1, 1998. The current rates were negotiated in conjunction with leases, which expire December 31, 1997. It should be noted that this parking stall rate schedule applies only to the parking facilities that the Port operates and rents individual parking stalls on a monthly basis. It does not apply to parking facilities which are leased in their entirety to an independent parking concessionaire, or to parking lots which are leased to businesses on Port property for use by their customers and/or employees, or to parking rates charged to Port employees. Port staff recommends that the Commission adopts the revised parking stall rate schedule.

Commissioner McCarthy asked for the range of parking rates around the area. Mr. Bennett noted that with the exception of Pier 3, everything is leased. In the area south of Market Street, rents for monthly stalls are from $130 to $220 per month; in the Financial District, from $145 to $325; in the northern waterfront area, $175 to $305; in the Fisherman's Wharf area, $115-$120 for five days and no reserve parking and $175-$200 for seven days a week. Some of the parking spaces are covered but most of them do not have reserved spaces. The Port offers reserved spaces. Staff feels that the rent is set at the lower end of the current market range. This is balanced by the fact that most of the Port's parking spaces are open but yet they have individual stalls.

Commissioner McCarthy inquired why the parking stall rate increase is not done more often. Mr. Bennett replied that it was originally expected to be done on an annual basis. The Port will now be looking at increasing the parking stall rate annually. Staff is also doing a very comprehensive survey of all rental office and industrial spaces which will also be updated annually. Commissioner McCarthy agreed that it should be done annually and commended staff for doing a good job.

In response to Commissioner Herman's inquiry about parking users, Mr. Bennett replied that the vast majority are rented by office users. Preferences are given to businesses which are located on Port property. Commissioner McCarthy inquired if they are all month-to-month leases and whether it offers flexibility for staff to give preference to Port businesses. Mr. Bennett replied that they are all month-to-month agreements and do provide flexibility for preferences to Port businesses.

Commissioner Hardeman commented that he liked the last comment Mr. Bennett made regarding giving preference to Port tenants. We have obligation by our Charter from the State to take care of ourselves first.

ACTION: Commissioner McCarthy moved approval; Commissioner Herman seconded the motion. All of the Commissioners were in favor; the resolution was adopted.

C. Approval of Fifth Amendment to Option to Lease Property with the Redevelopment Agency of the City and County of San Francisco extending the Term of Option to Lease the Dolph P. Rempp and Java House Parcels located along the Embarcadero between King and Berry Streets, through July 31, 1999. (Resolution No. 97-65)

Mr. Bennett indicated that the Port Commission leases ten parcels of real property to the San Francisco Redevelopment Agency under an Option to Lease Real Property dated September 26, 1984. This Option to Lease is for the South Beach Development project which includes the South Beach Marina. To date, the Redevelopment Agency has exercise options to lease all of the parcels covered by the option agreement not required by the ballpark, except for the parcels that are subject to Port leases for the Java House and the Sailing Ship Dolph Rempp. The deadline for exercising the option for this property is July 13, 1997. The subject parcels are required to complete the development of the South Beach-Rincon Redevelopment project but the Redevelopment Agency (RDA) has not completed its plans for the subject parcels. The RDA has therefore requested that the deadline for exercising their option for these parcels be extended July 31, 1999. Port staff recommends that the Commission approve this fifth amendment to the Option to Lease Property Agreement. Mr. Bennett mentioned that Neil Sekhri put the amendment together and was available to answer Commission's questions.

ACTION: Commissioner Herman moved approval; Commissioner McCarthy seconded the motion. All of the Commissioners were in favor; the resolution was adopted.

6. FACILITIES & OPERATIONS

A. Approval of a Memorandum of Understanding with the Department of Building Inspection for planning, checking and building inspection tasks. (Resolution No. 97-66)

Mr. Alex Lee, Director of Facilities & Operations, indicated that the item before the Commission is to authorize the Executive Director to enter into a Memorandum of Understanding (MOU) with Department of Building Inspection (DBI) for plan checking and site inspection for the proposed China Basin Ballpark Company (CBBC) and to approve the request for a supplemental appropriation to provide funding for this work. The Port of San Francisco is responsible for issuing a construction permit and to provide site inspection services for the new ballpark. The Port engineering staff has been working with the China Basin Ballpark Company and their consultants to facilitate the permitting process. Because of the size of the project and the ambitious schedule, the Port does not have the engineering and inspection resources to perform the task. The Port negotiated with DBI to assist the Port in plan checking and site inspection services and an MOU was prepared between the Port and DBI to obtain the services. DBI has the available manpower and the qualified personnel to perform the work and has a good knowledge of the San Francisco Building Code since they enforce the code. DBI has experiences in managing large and complex projects such as City Hall and the new Public Library. Based on a $170 million construction cost, the permit fee is $995,000, which the Port will collect from the Giants. The work order amount with

DBI is $686,163. The balance of the fund represents the Port's project management efforts. In the event that the construction cost is more than $170 million, 65% of additional fees collected from the Giants will be forwarded to DBI. To expend the fund received for the ballpark permit and to provide a work order for DBI, the Port will request a supplemental appropriation from the Mayor and the Board of Supervisors.

Mr. Wong added that Port staff went through a lot with CBBC and one can understand how complicated a $170 million construction project would be. He noted that it is not that we don't have the expertise to perform the work in-house but rather staff would be tied up for the next two years and the Engineering Department would be expanded considerably in bringing the wherewithal to handle a project this size. The idea of bidding the project or leaving it in-house with DBI was discussed with Frank Chiu of DBI and outside consultants. However, in their negotiation with Mr. Chiu, they were able to get a guaranteed fixed amount since the Port has to do a certain amount of owner inspection and engineering work in-house. Given the fact that only $1 million will be brought in, out of the $170 million project, and given the fact that the Port will only gain a certain amount of profit, he wanted to ensure that the cost is totally in line. They felt that if this project was put out to bid, a guarantee-type-of-situation may not be realized. Staff will have to return to the Commission time and time again for supplementals. Staff wanted to ensure that this particular project will not run out of balance thus they felt that this is the best way to handle it.

Commissioner McCarthy inquired if we still have to beef up our staff. Mr. Lee replied that one project manager will be hired but the main bulk of the work will be done by DBI. Mr. Wong indicated 35% of the cost is set aside for the Port and he felt confident going into it. Commissioner Hardeman stated that it seems like a great idea and a good community effort.

ACTION: Commissioner McCarthy moved approval; Commissioner Herman seconded the motion. All of the Commissioners were in favor; the resolution was adopted.

B. Adoption of the proposed conceptual design for the Pier 98 Wetlands Enhancement and Public Access Project. (Resolution No. 97-67)

Ms. Carol Bach, Project Manager, indicated that as the Commission is aware the Port is under agreement with BCDC to plan and permit for completion of a wetlands enhancement and public access improvement project. That agreement also requires that both BCDC and the Port Commission formally adopt the conceptual, preliminary and final designs for the project. As described in the June 10 Commission meeting, the Port's consultants recently completed a technical alternative analysis which evaluated various configurations for the wetlands enhancement and public access improvements in order to select a feasible cost-effective alternative which met the project objectives established in the Port's agreement with BCDC. The recommended project alternative, which represents the conceptual design for the project, is illustrated in the diagram as well as the public access improvements including parking, picnic area, benches, fishing stations and a bird viewing area. The project cost is

estimated at $1.943 million. The Public Utilities Commission has committed to contribute $1 million of the costs. The remaining $943,000 will have to come from Port capital plans or outside sources. Veronica Sanchez has been working tirelessly with State legislature pursuing other avenues for other outside sources of funding. She made the Commission aware that the project is generating a considerable amount of public enthusiasm as they continue with the design process. The City College has a division of environmental restoration and is very interested in the educational opportunities that this project might provide for City College students. The Golden Gate Audubon Society, which has long advocated protection and enhancement of this site, has been very supportive. At its July 3rd meeting, the BCDC Executive Director expressed his tremendous appreciation for the Port's effort for implementing this project. Thus, the conceptual design was unanimously adopted by BCDC at its July 3rd meeting. With the Port Commission's approval of the conceptual design, staff would be able to proceed with the next phase of the project.

Commissioner Hardeman commented that this is a wonderful project and added that it is fortunate to be a Commissioner while these great things are happening.

ACTION: Commissioner Herman moved approval; Commissioner McCarthy seconded the motion. All of the Commissioners were in favor; the resolution was adopted.

7. PLANNING & DEVELOPMENT

A. Approval of Final Design for the Mid-Embarcadero Roadway Project. (Resolution No. 97-68) **THIS ITEM WAS CONTINUED TO THE NEXT MEETING**

8. FINANCE AND ADMINISTRATION

A. Authorization for the Executive Director to negotiate an interest rate cap agreement to mitigate interest rate risk on the Port's loan to finance the Maintenance Facility Relocation Project and the Caltrans Acquisition Project. (Resolution No. 97-69) **THIS ITEM WAS TAKEN OFF THE CALENDAR**

9. CONSENT CALENDAR

A. Approval of amendment to lease with Bundox Restaurant, Inc., d.b.a. Waterfront Restaurant, at Pier 7-1/2. (Resolution No. 97-70)

Commissioner Herman inquired about the duration of the Bundox lease. Mr. Bennett clarified that Bundox is the Waterfront Restaurant, which is the corporation's name. The Waterfront Restaurant lease, approved by the Commission 2-1/2 years ago, was based upon his spending nearly $3.4 million on the renovation that is now under way.

Commissioner McCarthy asked for a clarification about the agreement reached between the two parties wherein they would have to pay $5,000 a month if the restaurant closes during the renovation period but now it seems the restaurant will be

open for business during construction. Mr. Bennett replied that when it came to the commencement of the construction work, a misunderstanding arose regarding what was specified in the lease. Mr. Al Falchi, the principal of the Waterfront Restaurant, had expected to have the restaurant open during construction but didn't realize he had to close the restaurant in order to have the reduced rent.

Looking at it from a fairness and equity standpoint, Mr. Bennett pointed out that allowing the restaurant to stay open during construction will benefit not only the restaurant but the Port as well. The restaurant will pay the Port $5,000 if it closes during construction; but if it stays open they still have to pay the $5,000 base rent plus percentage rent. If the restaurant is close during construction, it makes the whole enterprise more risky because people will lose the habit of coming down to the waterfront. He emphasized that this is a reasonable and equitable thing to do for both the Port and the tenant.

ACTION: Commissioner Herman moved approval; Commissioner McCarthy seconded the motion. All of the Commissioners were in favor; the resolution was adopted.

B. Authorization for the Executive Director to seek approval from the San Francisco Board of Supervisors and subsequently sign a Lease Agreement with the State Lands Commission which requires the Port to indemnify the State Lands Commission. (Resolution No. 97-71)

ACTION: Commissioner Herman moved approval; Commissioner McCarthy seconded the motion. All of the Commissioners were in favor; the resolution was adopted.

10. NEW BUSINESS / PUBLIC COMMENT

Commissioner Hardeman commented that the gentlemen from the America's Cup have showed the gentlemanness of the sport by sitting through the meeting. He thanked them for their patience.

Commissioner Herman requested that the Commission be furnished with a list of rentals for all restaurants and other facilities that are owned by the Port including piers, terminals and any other parcels. Mr. Wong replied that staff will put together the list and provide the information to the Commission as soon as possible.

11. EXECUTIVE SESSION

At 5:13 p.m., the Commission Secretary announced that the Commission will withdraw to executive session to discuss the following:

A. CONFERENCE WITH LEGAL COUNSEL REGARDING EXISTING LITIGATION MATTER:

1) Discuss existing litigation matter pursuant to subdivision (a) of California Government Code Section 54956.9 (one case)

(a) Proano v. CCSF; San Francisco Superior Court No. 979574

At 5:30 p.m., Commissioners Hardeman, McCarthy and Herman returned from executive session and convened in public session.

ACTION: Commissioner McCarthy moved approval that the Commission agreed to the settlement as discussed in the Executive Session. Commissioner Herman seconded the motion. All of the Commissioners were in favor.

The meeting was adjourned at 5:32 p.m.

M Miranda
Commission Secretary

SAN FRANCISCO
PORT COMMISSION

REGULAR MEETING
4:00 P.M., AUGUST 12, 1997
FERRY BUILDING, SUITE 3100
SAN FRANCISCO, CALIFORNIA

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AGENDA

1. **ROLL CALL**

2. **APPROVAL OF MINUTES**
   - June 24, 1997 Special & Regular Meeting
   - July 16, 1997 Special Meeting
   - July 22, 1997 Special & Regular Meeting

3. **EXECUTIVE**

   A. Executive Director's Report

4. **MARITIME**

5. **REAL ESTATE AND ASSET MANAGEMENT**

6. **FACILITIES & OPERATIONS**

   A. Authorization to approve the First Amendment to Professional Services Contract No. SA3960013, "Pier 48 Earthquake Damage Repair," with GKO & Associates. (Resolution No. 97-69)

   B. Authorization to approve Fifteenth Amendment to Professional Services Contract No. SA3992026, for Ferry Building Seismic Repair Stage II Work, with H.J. Degenkolb & Associates. (Resolution No. 97-72)

   C. Authorization to issue a Request for Proposals ("RFP") for earthquake funding reimbursement support. (Resolution No. 97-73)

   D. Approval of the revision to the original underground district along Terry A. Francois Boulevard. (Resolution No. 97-74)

   E. Approval for Port staff to request a Supplemental Appropriation through the Board of Supervisors for funds to contract with Concept Marine Associates, for architectural and engineering services for the Hyde Street Harbor Waterside Facility. (Resolution No. 97-75)

7. **PLANNING & DEVELOPMENT**

   A. Informational Briefing of the Fisherman's Wharf Interpretive Signage Program. (Information Only)

   B. Approval of the Final Design for the Mid-Embarcadero Roadway Project. (Resolution No. 97-68)

8. **FINANCE AND ADMINISTRATION**

9. **CONSENT CALENDAR**

10. **NEW BUSINESS / PUBLIC COMMENT**

    Public comment is permitted on any matter within Port jurisdiction, and is not limited to agenda items. Public comment on non-agenda items may be raised during New Business/Public Comment. Please fill out a speaker card and hand it to the Commission Secretary. If you have any questions regarding the agenda, please contact the Commission Secretary at 274-0406.

11. **EXECUTIVE SESSION**

    A. CONFERENCE WITH LEGAL COUNSEL REGARDING EXISTING LITIGATION MATTER:

       1) Republic Insurance Company, et.al. v. CCSF; CCSF v. Somerset Insurance Services, formally West Coast Marine Managers, Inc., et.al.
       U.S. District Court No. C94-2627 FMS

       Discussion of this matter is specifically authorized under California Government Code Section 54956.8.

    B. Vote in open session on whether to disclose Executive Session discussions (S.F. Admin. Code Sec. 67.14)

12. **ADJOURNMENT**

PORT OF SAN FRANCISCO

MEMORANDUM

August 6, 1997

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TO: MEMBERS, PORT COMMISSION
Hon. Michael Hardeman, President
Hon. Denise McCarthy, Vice President
Hon. Frankie G. Lee
Hon. James Herman

FROM: Douglas F. Wong
Executive Director

SUBJECT: Authorization to approve the First Amendment to Professional Services Contract No. SA3960013, "Pier 48 Earthquake Damage Repair", with GKO & Assoc.

DIRECTOR'S RECOMMENDATION: APPROVE FIRST AMENDMENT TO PROFESSIONAL SERVICES CONTRACT NO. SA 3960013, "PIER 48 EARTHQUAKE DAMAGE REPAIR", AUTHORIZING ADDITIONAL SERVICES WITH GKO & ASSOCIATES.

The Port previously awarded a consultant contract to GKO and Associates ("GKO") for the design and other consulting services for the Pier 48 bulkhead buildings earthquake damage repair. GKO completed the repair design, Port staff prepared a construction contract, and the contract was advertised and awarded to a construction contractor. The construction contractor is currently working on the Pier 48 bulkhead building earthquake damage repair. The construction includes driving 1-foot diameter, 135 -foot long steel piles both within the bulkhead buildings and outside the perimeter walls of the buildings. Because of unpredictable underground conditions, the construction contractor has encountered driving problems with some of the piles. Some of the piles have met "refusal" meaning that they cannot be driven to the design depths. Part of GKO's responsibility is to provide consultant support to the Port in its construction management oversight of the construction contractor. The unpredictable pile driving problems the construction contractor has encountered requires a revised design of the pile connection system.

In addition, because of other ongoing construction work, the Port does not have sufficient construction management staff to provide the necessary site monitoring of the pile driving.

THIS PRINT COVERS CALENDAR ITEM NO. 6A

The Port has negotiated with GKO to provide design changes and pile driving site monitoring for $19,000.00.

The original consultant contract amount with GKO:	$65,780.00
Proposed First Amendment to the contract:	19,000.00
Revised contract amount:	$84,780.00

The Port expects that FEMA/OES will fully fund this additional cost of this proposed contract amendment.

Port staff recommends that the Commission approve the execution of this contract amendment.

Prepared by Cliff Jarrard, Chief Harbor Engineer

PORT COMMISSION
CITY AND COUNTY OF SAN FRANCISCO

RESOLUTION NO. **97-69**

WHEREAS, GKO currently provides consultant support to the Port for the earthquake damage repair of the Pier 48 bulkhead buildings; and

WHEREAS, the Port has a construction contractor performing the repair of these buildings; and

WHEREAS, because of unpredictable underground conditions, the construction contractor has encountered driving problems with some of the steel pilings; and

WHEREAS, the pile driving problems requires a revised pile connection system for some of the piles; and

WHEREAS, the Port does not have sufficient construction management staff to monitor the provide the necessary site monitoring of the pile driving; and

WHEREAS, the Port has negotiated with GKO to provide the additional services of pile connection redesign and pile driving site monitoring at a cost of $19,000.00; and

WHEREAS, the Port expects that FEMA/OES will fully fund this additional cost; and

WHEREAS, the contract expiration date will be extended to October 31, 1997; now therefore be it

RESOLVED, that the San Francisco Port Commission hereby authorizes staff to execute the First Amendment to professional services Contract No. SA3960013, "Pier 48 Earthquake Damage Repair," with GKO & Assoc for $19,000.00, and extend the expiration date of that contract to October 31, 1997.

I hereby certify that the foregoing resolution was adopted by the Port Commission at its meeting of* August 12, *1997.

_____
Secretary

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PORT OF SAN FRANCISCO

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MEMORANDUM

August 6, 1997

TO: MEMBERS, PORT COMMISSION
Hon. Michael Hardeman, President
Hon. Denise McCarthy, Vice President
Hon. Frankie G. Lee
Hon. James Herman

FROM: Douglas F. Wong
Executive Director

SUBJECT: Authorization to Approve Fifteenth Amendment to Professional Services Contract No. SA3992026, for Ferry Building Seismic Repair Stage II work, with H.J. Degenkolb & Associates

DIRECTOR'S RECOMMENDATION: THAT THE COMMISSION APPROVE THE FIFTEENTH AMENDMENT TO PROFESSIONAL SERVICES CONTRACT NO. SA3992026, FOR FERRY BUILDING SEISMIC REPAIR STAGE II WORK, AUTHORIZING H.J. DEGENKOLB & ASSOC. TO PERFORM ADDITIONAL DESIGN AND CONSTRUCTION ADMINISTRATION WORK FOR $36,780, IN ACCORDANCE WITH THE ATTACHED RESOLUTION.

H. J. Degenkolb & Associates ("Degenkolb") has been under consultant contract with the Port for the design and other services for Ferry Building repairs and seismic upgrades. A construction contractor is currently performing the work on the Ferry Building Stage II contract work. Recently, this construction work has uncovered previously unknown historic items which must be addressed by Degenkolb. Additionally, because the building is old the construction is uncovering many changed conditions which were unpredictable. This results in the construction work becoming more complex. Since part of Degenkolb's responsibilities is to provide design changes and construction management support to the Port, the changed construction conditions requires Degenkolb to provide additional services to the Port beyond that originally anticipated. The Port has negotiated with Degenkolb to provide these additional design services for $11,780 and construction management support services for $25,000 for a total additional amount of $36,780.

THIS PRINT COVERS CALENDAR ITEM **6B**

PORT COMMISSION
CITY AND COUNTY OF SAN FRANCISCO

RESOLUTION NO. **97-72**

WHEREAS, Degenkolb has been under consultant contract with the Port for design and other related services for Ferry Building repairs and seismic upgrades; and

WHEREAS, the current construction contractor for Ferry Building Stage II work has encountered unanticipated historic items and unpredicted changed conditions; and

WHEREAS, Degenkolb is required to provide design changes and construction management support to the Port; and

WHEREAS, these conditions were beyond that originally anticipated requiring Degenkolb to provide additional services; and

WHEREAS, the Port has negotiated with Degenkolb to provide these additional design services for $11,780 and additional construction management support services for $25,000 for a total additional amount of $36,780; and

WHEREAS, the Port anticipates that FEMA/OES will fund the additional design work and the additional construction management support services will be financed by the Port's Ferry Building Shearwall capital fund; now therefore be it

RESOLVED, that the San Francisco Port Commission hereby authorizes staff to execute the Fifteenth Amendment to Professional Services Contract No. SA3992026, for Ferry Building Seismic Repair Stage II work, with H. J. Degenkolb for $36,780.

I hereby certify that the foregoing resolution was adopted by the Port Commission at its meeting of* August 12, *1997.

_____
Secretary

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Current contract amount:	$513,837
Proposed amendment:	36,780
Revised contract amount:	$550,617

The Port anticipates that FEMA/OES will fund the additional design work. The additional construction management support will be financed by the Port's Ferry Building Shearwall Capital Fund.

Port staff recommends that the Commission approve the execution of this contract amendment.

Prepared by Cliff Jarrard, Chief Harbor Engineer

PORT OF SAN FRANCISCO

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MEMORANDUM

August 6, 1997

TO: MEMBERS, PORT COMMISSION
Hon. Michael Hardeman, President
Hon. Denise McCarthy, Vice President
Hon. Frankie G. Lee
Hon. James Herman

FROM: Douglas F. Wong
Executive Director

SUBJECT: Authorization to issue a Request for Proposals for earthquake funding reimbursement support

DIRECTOR'S RECOMMENDATION: AUTHORIZE STAFF TO ISSUE A REQUEST FOR PROPOSALS FOR EARTHQUAKE FUNDING REIMBURSEMENT SUPPORT IN ACCORDANCE WITH THE ATTACHED RESOLUTION

As a result of the October 17, 1989 Loma Prieta Earthquake, a number of structures of the Port were damaged. Most of the earthquake repair and hazard mitigation work is being financed by the Federal Emergency Management Agency ("FEMA") and the State Office of Emergency Services ("OES"). The documents that provide the authorization for funding of this work are called Damage Survey Reports ("DSRs"). Most of the actual construction work has cost more than was provided for in the DSRs originally prepared for that work, requiring FEMA/OES to prepare supplemental DSRs. The current work load of Port staff is such that it cannot perform all the functions necessary to administer the funding issues with FEMA and OES. The Port recommends hiring a consultant to assist Port staff by performing functions as follows:

- Prepare quarterly status reports to OES.
- Prepare the necessary documentation required by FEMA for the construction monitoring program or for close out of projects for final funding.
- Monitor the status of each new DSR prepared by FEMA as it proceeds through the agency review process.

PRINT COVERS CALENDAR ITEM 6C

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- Review the Port files to ensure that all the necessary documentation is there for FEMA to complete its Final Inspections to close the projects out. The Final Inspections are necessary for all projects before the Port can receive its final funding.

- As projects are completed, prepare the necessary back up documentation and assist the Port with the Final Inspection by FEMA. Assist Port staff with the resolution of conflicts with Final Inspection issues.

- Attend meetings as necessary between Port staff and FEMA or OES.

- Draft correspondence as necessary to FEMA and OES.

- Draft appeals to FEMA through OES.

- Meet with OES and FEMA staff as appropriate to facilitate all pending actions with those agencies.

- Draft the necessary correspondence and follow up with FEMA and OES to reduce the current funding retentions held by those agencies. FEMA is currently retaining 25% of the reimbursement funding on large projects (Over $36,500) and OES is currently retaining 10% of the reimbursement funding. This retention is not scheduled to be released until all project work is complete which could be 1999.

The Port currently has approved funding of over $24,000,000 but assistance with the above activities is necessary to ensure maximum funding reimbursement and/or release of funding retention by FEMA and OES.

Staff recommends approval to issue a Request for Proposals to hire a consultant to perform the above tasks.

Prepared by: Cliff Jarrard, Chief Harbor Engineer

PORT COMMISSION
CITY AND COUNTY OF SAN FRANCISCO

RESOLUTION NO. 97-73

WHEREAS, a number of Port structures were damaged as a result of the 1989 Loma Prieta Earthquake; and

WHEREAS, most of the earthquake damage repair and hazard mitigation work is being funded by FEMA and OES; and

WHEREAS, there are many funding administrative tasks that need to be performed to for the Port to received the funding for earthquake repair and mitigation work; and

WHEREAS, the Port currently has approved earthquake repair and hazard mitigation funding of over $24,000,000; and

WHEREAS, the workload of Port staff is such that outside assistance is needed to ensure maximum funding reimbursement and/or release of funding retention by FEMA and OES; and

WHEREAS, the Port recommends approval to issue a Request for Proposals to hire a consultant to assist with the funding tasks, therefore now be it

RESOLVED, that the Commission authorizes staff to issue a Request for Proposals to hire a consultant to assist the Port with earthquake funding reimbursement.

I hereby certify that the foregoing resolution was adopted by the Port Commission at its meeting of August 12, 1997.

_____
Secretary

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MEMORANDUM

August 6, 1997

TO: MEMBERS, PORT COMMISSION
Hon. Michael Hardeman, President
Hon. Denise McCarthy, Vice President
Hon. Frankie G. Lee
Hon. James Herman

FROM: Douglas F. Wong
Executive Director

SUBJECT: Approval to revise the current utility underground district along Terry A. Francois Boulevard

DIRECTOR'S RECOMMENDATION: Approve the extended utility underground district along Terry A. Francois Boulevard.

The Port Commission approved the declaration of a utility underground district along Terry A. Francois Blvd. at its January 14, 1997 meeting. The underground district alignment as now described, begins at the intersection of the China Basin Street and Terry A. Francois Boulevard and extends along Terry A. Francois Boulevard to 800 feet south of the intersection of Mission Rock and Terry A. Francois Boulevard. For the following reasons, Port staff believes the current alignment of the underground district should begin at the intersection of Third Street and China Basin Street and extended further south along Terry A. Francois Boulevard to the intersection of Illinois Street, Mariposa Street and Terry A. Francois Boulevard.

The subsequent utility work in the revised underground district will be constructed in three phases, with each phase contingent on the Port's approval for underground work to proceed.

- Phase I consists of the portion defined in the original Pier 52 Boat Launch site underground district established by Resolution 97-04.

- Phase II consists of the portion immediately to the north of Phase I to the intersection of China Basin Street and Third Street.

THIS PRINT COVERS CALENDAR ITEM NO. **6D**

- Phase III consists of the portion immediately south of Phase I southerly to the intersection of Terry A. Francois Boulevard, Illinois Street, and Mariposa Street.

As stated at the Commission meeting on January 14, 1997, the underground district for the Pier 52 Boat Launch Project is necessary to meet parking lot guidelines for the Department of Boating and Waterways. The only cost to the Port for Phase I is to provide underground power service to tenants that are currently connected to the overhead powerlines, and new overhead street lights at 100' intervals in order to replace the light source taken away by the removal of the overhead powerlines. The cost for Phase I is estimated at $120,000. The Phase II portion could be included into the construction for the proposed Pacific Bell Ballpark parking lot, and the Phase III extension could be funded through the Catellus Development Group as it develops the southern waterfront.

Working with PG&E and the San Francisco Department of Public Works, Port staff believes extending the underground district along Terry A. Francois Blvd. is the most economical method of undergrounding the powerline and benefits future Port projects.

Staff seeks the Commission's approval to revise the current underground district along Terry A. Francois Blvd. in order for the Board of Supervisors to vote for approval.

Prepared by: Cliff Jarrard, Chief Harbor Engineer

PORT COMMISSION

CITY AND COUNTY OF SAN FRANCISCO

RESOLUTION NO. 97-74

WHEREAS, the Port Commission previously approved a utility underground district beginning at the intersection of China Basin Street and Terry A. Francois Boulevard and extending easterly thence southerly along Terry A. Francois Boulevard to 800 feet south of the southerly intersection of Mission Rock and Terry A. Francois; and

WHEREAS, Port staff believes extending this underground district will assist in additional undergrounding with future developments, therefore be it

RESOLVED, that the Port Commission approves an extension of the underground district as now described to begin at the intersection of Third Street and China Basin Street and extend easterly thence southerly from Terry A. Francois Boulevard to the intersection of Terry A. Francois Boulevard, Illinois Street, and Mariposa Street.

I hereby certify that the foregoing resolution was adopted by the Port Commission at its meeting of August 12, 1997.

_____

Secretary

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MEMORANDUM

August 6, 1997

MEMBERS, PORT COMMISSION
Hon. Michael Hardeman, President
Hon. Denise McCarthy, Vice President
Hon. Frankie G. Lee
Hon. James Herman

FROM: Douglas F. Wong
Executive Director

SUBJECT: Approval for Port staff to request a Supplemental Appropriation through the Board of Supervisors for funds to contract with Concept Marine Associates, for architectural and engineering services for the Hyde Street Harbor Waterside Facility

DIRECTOR'S RECOMMENDATION: THAT THE COMMISSION AUTHORIZES STAFF TO REQUEST A SUPPLEMENTAL APPROPRIATION FROM THE BOARD OF SUPERVISORS FOR $240,300.00 TO FUND THE PROFESSIONAL SERVICES CONTRACT WITH CONCEPT MARINE ASSOCIATES, CONSULTANT WORK ON THE HYDE STREET HARBOR WATERSIDE FACILITY.

On December 20, 1996, Resolution No. 96-136, the Port Commission authorized staff to enter into a loan agreement with California Boating and Waterways for $3.5 million, to fund the design and construction of the Hyde Street Harbor Project. On May 13, 1997, Resolution No. 97-39, the Port Commission authorized Port staff to award the professional services contract for the Hyde Street Harbor Waterside Facility to Concept Marine Services, Inc for $240,300.00. Staff is requesting authorization to go to the Board of Supervisors for a supplemental appropriation request for $240,300.

Prepared by Cliff Jarrard, Chief Harbor Engineer

THIS PRINT COVERS CALENDAR ITEM NO. **6E**

PORT COMMISSION
CITY AND COUNTY OF SAN FRANCISCO

RESOLUTION NO. 97-75

WHEREAS, on December 20, 1996, Resolution No. 96-136 the Port Commission authorized staff to enter into a loan agreement with California Boating and Waterways for $3.5 million, to fund the design and construction of the Hyde Street Harbor Project; and

WHEREAS, on May 13, 1997, Resolution No. 97-39, the Port Commission authorized Port staff to award the professional services contract for the Hyde Street Harbor Waterside Facility to Concept Marine Services, Inc for $240,300.00; and be it

RESOLVED, that the San Francisco Port Commission hereby authorizes staff to request a supplemental appropriation from the Board of Supervisors for $240,300.00 to fund the A/E consulting contract with Concept Marine Associates, for the Hyde Street Harbor Waterside Facility.

***I hereby certify that the foregoing resolution was adopted by the Port Commission at its meeting of* August 12, 1997.**

_____
Secretary

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MEMORANDUM

August 5, 1997

TO: MEMBERS, PORT COMMISSION
Hon. Michael Hardeman, President
Hon. Denise McCarthy, Vice President
Hon. Frankie Lee
Hon. James Herman

FROM: Douglas F. Wong
Executive Director

SUBJECT: **Informational Briefing of the Fisherman's Wharf Interpretive Signage Program**

DIRECTOR'S RECOMMENDATION: REVIEW PRESENTATION OF PROGRESS ON THE FISHERMAN'S WHARF INTERPRETIVE SIGNAGE PROGRAM.

The purpose of this project is to create an Interpretive Signage Program through Fisherman's Wharf to enhance visitor's enjoyment of the area by: explaining the history and current workings of the fishing industry; and identifying the Fisherman's Wharf district while providing geographical orientation to pedestrians. The program will include a series of signs or interpretive displays intended to create a memorable self-guided tour through Fisherman's Wharf. The route will lead to significant fishing industry destinations and include displays that are both fun to read and informative.

THIS PRINT COVERS CALENDAR ITEM NO. 7A

Preparation of the Fisherman's Wharf Interpretive Signage Program is divided into three phases: Background Research, Program Development, and Design/Installation. From June through September staff is doing background research which includes generating possible topics, gathering data, interviewing historians and others knowledgeable about the area, and analyzing adjacent signage programs. The Program Development phase will begin in the fall and will include refining topics and locations, selecting graphics, preliminary signage design, and preparing a consultant Request for Proposals which will subsequently be brought before the Commission. The project design phase will begin early next year and will include selection of a consultant team for graphic design, architectural design, editing, and fabrication and installation. Public review will occur continuously throughout the project focusing on Fisherman's Wharf businesses, adjacent neighborhoods, and groups with historical or technical expertise in the fishing industry. The current schedule calls for installation of the interpretive signage program in the Fall of 1998. The Fisherman's Wharf Interpretive Signage Program is funded in the 1996/97 Capital Plan for $200,000.

Public review and participation has begun as part of the Background Research phase. Port staff so far has met with the Fisherman's Wharf Board of Governors and conducted interviews with selected individuals. Suggested destinations for the interpretive walk include the Pier 43 Railroad Arch, Pier 45 fish processing operations and historic military uses, Fisherman's Seaman's Memorial Chapel, crab-cookers along Taylor and Jefferson Streets, Inner and Outer Lagoon harbors, Pier 47A viewing area, Fish Alley, and the Hyde Street Harbor (future). In addition, interpretive topics may include types of fish caught, types of fishing boats, fishing seasons, styles of fishing, types of nets, crab traps, early fisherman at the Wharf, individuals who first settled in the Fisherman's Wharf area, names of boats, supply and use of ice, types of bait, how fish are processed, location and development of the seawall, how tides and currents affect fishermen, and the role of the Wharfinger. Prior to finalizing the list of topics, text, and graphics, staff will again be review the signage program with the public and the Commission.

Prepared by: Dan Hodapp, Project Manager

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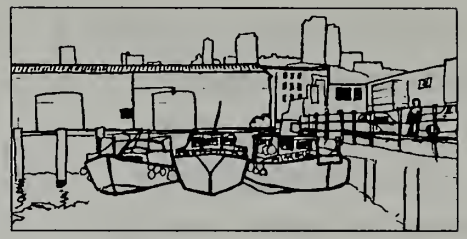
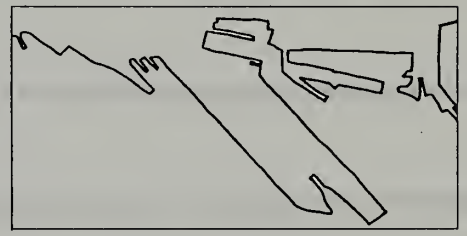
Program Goal

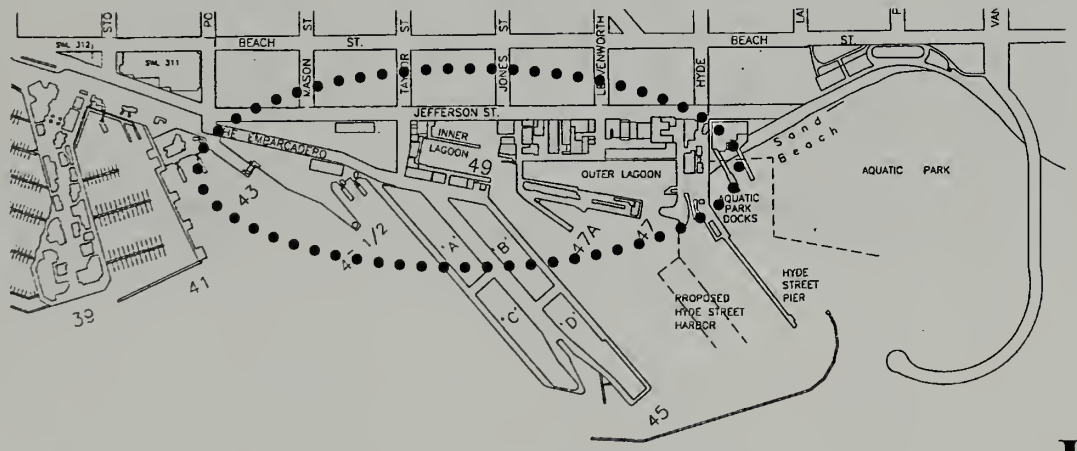
Create an interpretive signage program to enhance visitors' enjoyment of Fisherman's Wharf by:

1. Explaining the history and current workings of the **fishing industry**, and



2. Identifying the Fisherman's Wharf district and providing **orientation** to pedestrians in the area.





The project area will extend from Pier 43 to the Hyde Street Pier.

Preliminary, August 1997

Interpretive Signage Program

Fisherman's Wharf

PORT OF SAN FRANCISCO

Interpretive Signage: The Development Process

I. Background Research

- Generate possible topics
- Gather data:
  - Begin expert interviews
  - Research historic information
- Analyze adjacent signage systems

II. Program Development

- Refine topics and locations
- Select graphics
- Preliminary signage design
- Prepare RFP

III. Project Design

- Select consultant team:
  - Graphic designer/architect
  - Editor
  - Fabricator/installer
- Finalize design for approvals
- Prepare construction documents

Public Review →

BCDC, Port Commission review →

INSTALLATION

Summer 1997	Fall 1997	Fall 1998

Preliminary, August 1997

Interpretive Signage Program

Fisherman's Wharf

PORT OF SAN FRANCISCO

PORT OF SAN FRANCISCO

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MEMORANDUM

August 4, 1997

TO: MEMBERS, PORT COMMISSION
Hon. Michael Hardeman, President
Hon. Denise McCarthy, Vice President
Hon. Frankie Lee
Hon. James Herman

FROM: Douglas F. Wong
Executive Director

SUBJECT: **Approval of Final Design for the Mid-Embarcadero Roadway Project**

DIRECTOR'S RECOMMENDATION: ADOPT THE ATTACHED RESOLUTION APPROVING THE FINAL DESIGN OF THE MID-EMBARCADERO ROADWAY PROJECT

Summary. The Mid-Embarcadero Roadway project includes realignment of the surface roadway, extension of the F-Line street car, construction of the Embarcadero Promenade, and construction of a plaza on the City-side of the Ferry Building. The project extends from Folsom Street in the south to Broadway Street in the north. It is one of the Waterfront Transportation Projects previously managed by the office of the Chief Administrative Officer and now being implemented by the Department of Public Works.

THIS PRINT COVERS CALENDAR ITEM NO. 7B

The design of the project has evolved over a six-year period during which time significant community input was provided. The project was most recently reviewed by the Port Commission on October 8, October 24, and November 12, 1996, when the Commission adopted Design Parameters which provided direction to the design team on acceptance of the major spaces such as the central plaza and transition areas, major features within spaces, and general direction on use and quality of materials. The project has since been approved by the Bay Conservation and Development Commission (BCDC) on February 20, 1997 and was also reviewed by the BCDC Design Review Board on June 9, 1997 for changes responding to earlier design issues.

Design Features. The Mid-Embarcadero Roadway project includes the following components and design features similar to the completed roadway sections to the north and south and with the addition of a plaza in front of the Ferry Building.

The Embarcadero Promenade (Herb Caen Way). A continuous dedicated public access area adjacent to the Bay will be completed as part of the project. The minimum width of the promenade will be 25 feet increasing to 45 feet adjacent to the central entrances of the Ferry Building and 60 feet adjacent to the north and south wings of the building. Thirty feet of the promenade width adjacent to the Ferry Buildings wings may be used for retail and cafe extensions on a temporary basis (i.e., no permanent structures associated with adjacent businesses).

Ferry Building Plaza. The approved plan for the Mid-Embarcadero Roadway calls for the north and south bound lanes to separate between Mission and Washington streets to create an island plaza in front of the Ferry Building. The plaza measures approximately 130 feet at its widest dimension. Within the plaza will be a trackway and transit stops for the F-Line streetcar, crosswalks at the ends of the Ferry Building, deciduous trees, and sculptural 'light cannons' as features in the central area.

Embarcadero Roadway Median and Trackway. Between Broadway and Washington Streets and between Mission and Folsom Streets, the roadway and median will be similar in design to the north and south section. The median includes an exclusive MUNI right-of-way in the center trackway flanked by cobbled islands containing palm trees, esplanade light fixtures, and left-turn pockets.

City Side Sidewalks. Along the city side of the Embarcadero adjacent to Justin Herman Plaza, a stepped promenade will replace the existing elevated wall, and in so doing, provides the same noise buffer from the roadway while creating a more positive relationship between the existing open space and the Ferry Building plaza. This stepped promenade will serve as bleachers during special events, and on a daily basis provide an elevated vantage point for pedestrians with views to the plaza and Ferry Building.

Materials and Treatments. The design of the Mid-Embarcadero Roadway extends the materials and treatments of the north and south segments of the Roadway and augments them to emphasize the special significance of the foot of Market Street and the Ferry Building area. More specifically:

Paving. The Bay side promenade will be paved in dark concrete throughout to match the north and south sections of the roadway. The city side sidewalk will be standard concrete of a lighter color than the promenade. The central plaza will be paved in two to three tones of granite to create a pattern in scale with the Ferry Building and overall plaza.

Street Trees. The double row of palms will continue in the median north of Washington and south of Mission streets. Between Washington and Mission streets, the palms in the median are shifted to the city side promenade to define the edge of the Ferry Building plaza. Deciduous Liquidamber trees will be planted in the center Ferry Building plaza and adjacent to the Ferry Building drop-off areas. The Liquidamber trees are chosen for their stately appearance, high branching height for visibility below, and ability to grow in this area. the trees will be approximately 20 feet tall when planted. On the city side of the roadway deciduous trees will also be planted north of Broadway and south of Mission streets similar to other roadway planting.

Lighting. The period, post top light fixtures of the north and south Embarcadero will be extended through the Mid-Embarcadero. However, to recall the historic Embarcadero fixtures in the vicinity of the Ferry and Agriculture buildings, a double rather than single-headed fixture is used along the eastern and westernmost curbs of the roadway. The same esplanade fixture utilized in the median of the north and south Embarcadero is extended through the central area. To provide special lighting immediately in front of the Ferry Building arcades, a spherical post top light fixture is employed. Between Washington and Mission streets, spotlights will be mounted on the palms to up light the heads of the trees. A pair of large sculptural light cannons are planned within the plaza to create festive lighting for special celebrations. In addition, the cannons will serve to center the space and to frame the central portico of the Ferry Building. The base of the light cannons is designed to provide seating within the plaza. Due to funding constraints, the light cannons will be included in the construction bid document as an "additive alternative."

Public Art and Interpretive Markers. The art ribbon will continue as a flush element along the Bay side promenade from Pier 5 through the Agriculture Building. South of the Agriculture Building to Folsom Street the art ribbon will have raised sections that will replace the existing stepped seat wall adjacent to the railing. Raised sections will also be located between Folsom and Harrison streets. The raised sections of the ribbon will include edge detailing to deter skateboard use while allowing the ribbon to be used as a seat. The railing between the Agriculture Building and Folsom Street will be replaced with a stainless steel or precast concrete railing to better weather the tidal splash common to this area. The signage and interpretive markers of the north and south Embarcadero will also be extended through

the area. In addition, bronze plaques will be placed in the island plaza to signify the historic locations of the Embarcadero freeway columns.

A sculpture of a large foot by artist Buster Simpson will be installed in the plaza immediately south of the Agriculture Building. The sculpture was selected by the San Francisco Art Commission as a metaphor for the demarcation of setting foot on the land. The "foot" will be approximately eight feet wide and eighteen feet tall, and will be constructed out of carrera marble. The sculpture will be positioned with the ball of the foot placed upon a low pedestal as if one were actually setting foot upon the promenade. Drawings of the foot will be presented at the Port Commission meeting.

Memorandum of Understanding. The Port entered into a Waterfront Transportation Projects Memorandum of Understanding (MOU) with the other City Departments participating in or affected by the project on February 8, 1991. The existing MOU addresses project responsibilities, construction coordination, maintenance and other project issues for the entire Waterfront Transportation Projects area, including the Mid-Embarcadero Project. Port staff is currently negotiating certain proposed amendments to the MOU and updating the document to provide more clarification. The most significant changes are as follows:

Cleaning, Maintenance and Repair. This revised section identifies which City departments are responsible for maintenance, cleaning and repair of the project, with specific standards proposed for the maintenance of the central plaza in front of the Ferry Building;

Replacement Parking. The MOU spells out options for incorporating an underground parking garage on Lot 202, or for the Port to receive compensation based on the value of the parking being displaced by the Roadway;

MUNI Ferry Bus Terminal. A portion of an expanded bus layover facility at Steuart and Mission Streets may be located on Port property near Mission Street.

Hazardous Materials. The MOU assigns responsibility for removal of discovered hazardous materials to the associated project excavating such materials.

Staff expects to finalize the MOU and seek the Port Commission's approval of the MOU within the next two months.

Schedule. The Department of Public Works anticipates advertising for construction bids in the fall of 1997, and plans to begin the 24-30 month construction period within the first quarter of 1998.

Prepared by: Paul Osmundson, Director of Planning & Development

PORT COMMISSION
CITY & COUNTY OF SAN FRANCISCO

RESOLUTION NO. **97-68**

WHEREAS, Removal of the freeway in the Ferry Building area has provided a unique opportunity to improve vehicle and pedestrian circulation to and from the waterfront and provide an appropriate and grand setting for the Ferry Building; and

WHEREAS, The Waterfront Transportation Projects Office has led the preparation of project design and an Environmental Impact Report (EIR) and Environmental Impact Statement (EIS) for the Mid-Embarcadero Roadway project to assess environmental impacts in the area; and

WHEREAS, The Planning Commission certified the Final EIR/EIS, amended the General Plan, and made a finding of consistency with the General Plan on September 19, 1996, and adopted the Mid-Embarcadero Urban Design Concept on October 10, 1996; and

WHEREAS, On November 12, 1996, the Port Commission adopted Resolution No. 96-102, adopting findings under the California Environmental Quality Act related to a portion of the Mid-Embarcadero Roadway Project, and Resolution No. 96-103, approving the Roadway alignment and authorizing the Executive Director to negotiate an agreement regarding the review and final approval process for the project; and

WHEREAS, On November 5, 1996, the Port Commission approved Resolution No. 96-113, approving the Design Parameters for the Mid-Embarcadero Roadway Project; and

WHEREAS, The Waterfront Transportation Projects Office and a consultant team led by the ROMA Design Group have prepared final design drawings for the Mid-Embarcadero Roadway project based on the Design Parameters; and

WHEREAS, The Waterfront Transportation Projects Memorandum of Understanding between the Port, the Department of Public Works, the Department of Real Estate, the Public Transportation Commission and, the Recreation and Parks Department is being revised to reflect the unique conditions of the Mid-Embarcadero Roadway project and define project responsibilities; now, therefore, be it

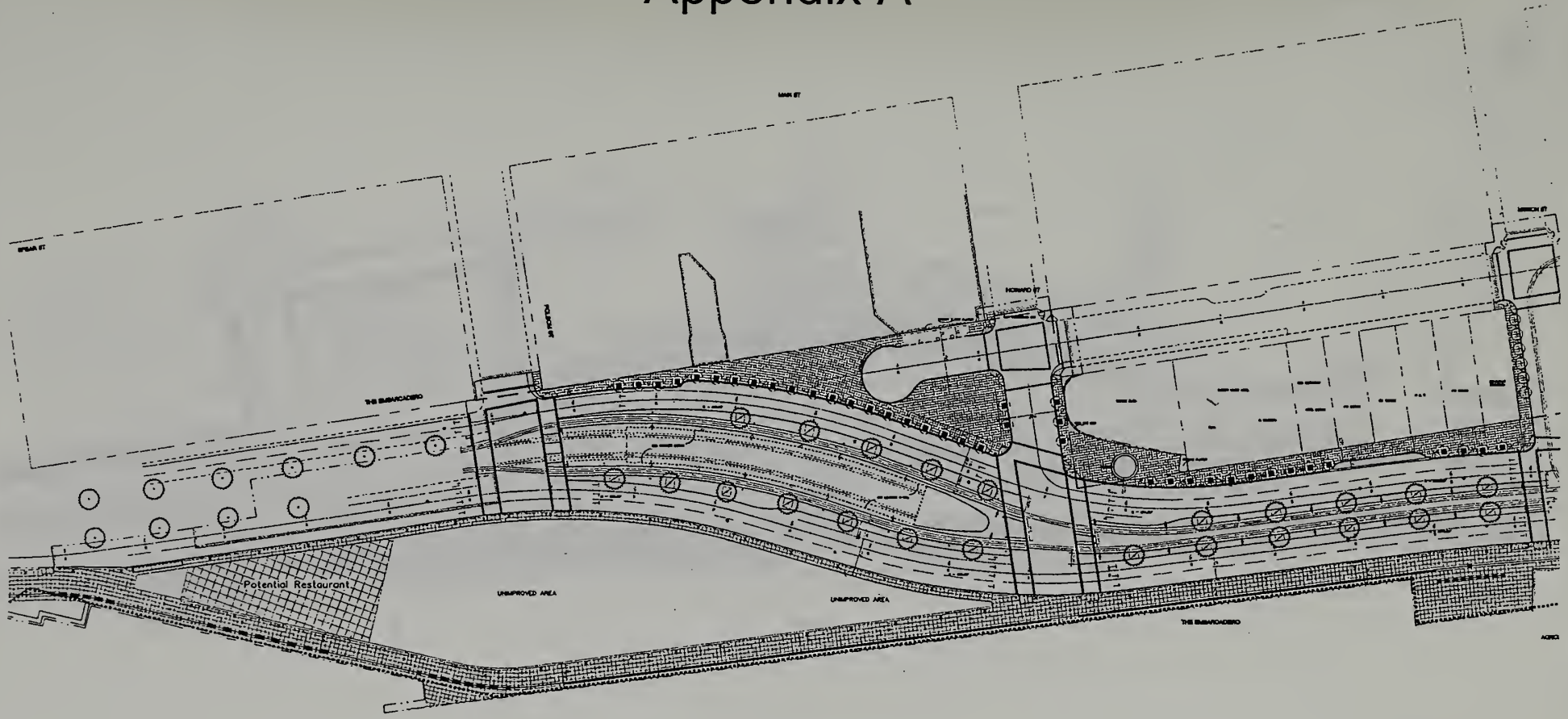
RESOLVED, That the Port Commission approves the final design of the Mid-Embarcadero Roadway project as indicated on the drawings attached as Appendix "A;" and be it further

RESOLVED, That the Port Commission directs Port staff to finalize the Waterfront Transportation Projects Memorandum of Understanding and return it to the Port Commission for consideration.

I hereby certify that the foregoing resolution was adopted by the Port Commission at its meeting of August 12, 1997.

_____
Secretary

Appendix A



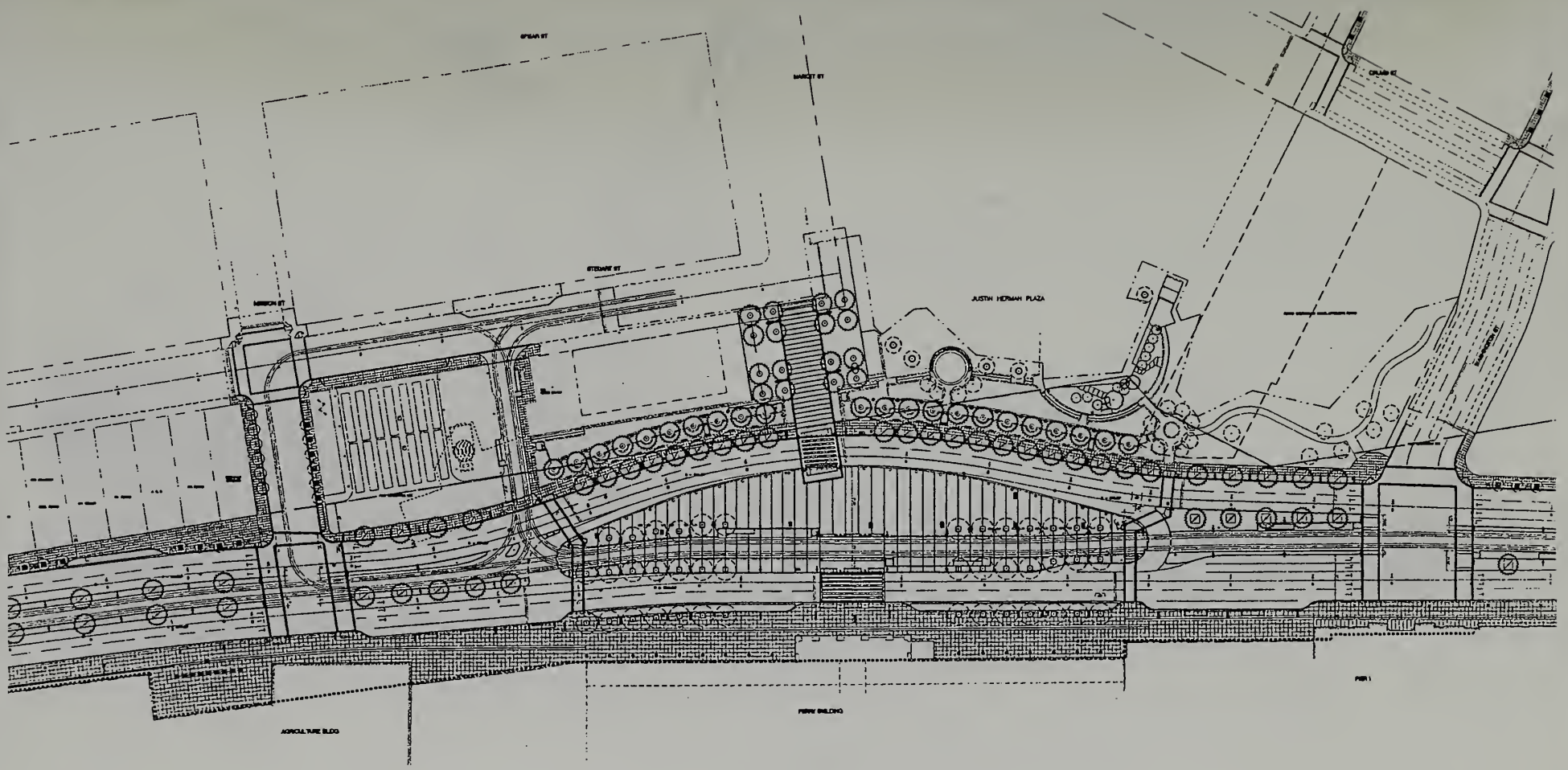
MID-EMBARCADERO ROADWAY
BUREAU OF ENGINEERING/DEPARTMENT OF PUBLIC WORKS
CITY AND COUNTY OF SAN FRANCISCO, CALIFORNIA

ROMA
ARCHITECTURE, LANDSCAPE ARCHITECTURE
URBAN DESIGN, AND PLANNING

SCALE: 1" = 50'-0"
DATE: May 15, 1997

PROPOSED ROADWAY ALIGNMENT AND URBAN DESIGN TREATMENT
HARRISON TO MISSION

SHEET NO: EL1



MID-EMBARCADERO ROADWAY

BUREAU OF ENGINEERING/DEPARTMENT OF PUBLIC WORKS
CITY AND COUNTY OF SAN FRANCISCO, CALIFORNIA

ROMA
ARCHITECTURE, LANDSCAPE ARCHITECTURE
URBAN DESIGN, AND PLANNING

CONSULTANTS
Art Ancajas - Horticulturist
The Engineering Enterprise - Lighting Consultants
Morse Lenwerling - Graphic Design
Greg Rule - Associated Architects
Sasaki Associates Inc. - Assoc. Landscape Architects
Taylor Consulting Group - Construction Consultants
Swarts Engineering Group - Structural Engineers
Telegraph Consulting Engineers - MEP Consultants

ASSISTED
Elaine Bellorofti
Beckett Blair/Rachel Ackerson
Wes Agatston
Bukue Benzaquin
Bill Mennell

SCALE: 1" = 50'-0"

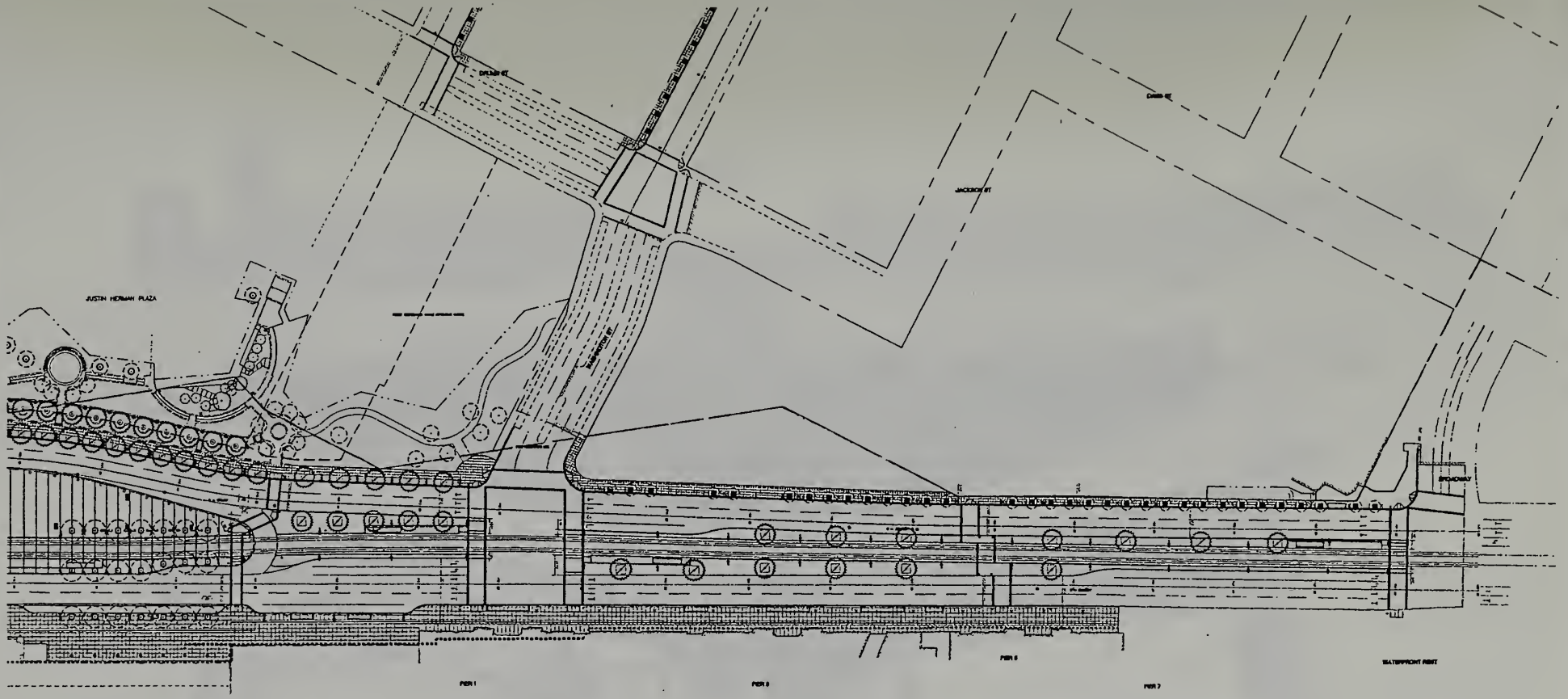
DATE: May 15, 1997

NOTE: THIS DRAWING IS REDUCED AND NOT TO SCALE IF SHEET SIZE IS SMALLER THAN 30" x 42"

NORTH
PLAN NORTH

SHEET TITLE:
PROPOSED ROADWAY ALIGNMENT AND URBAN DESIGN TREATMENT
MISSION TO WASHINGTON

SHEET NO.
EL2



MID-EMBARCADERO ROADWAY

BUREAU OF ENGINEERING/DEPARTMENT OF PUBLIC WORKS
CITY AND COUNTY OF SAN FRANCISCO, CALIFORNIA

ROMA
ARCHITECTURE, LANDSCAPE ARCHITECTURE
URBAN DESIGN, AND PLANNING

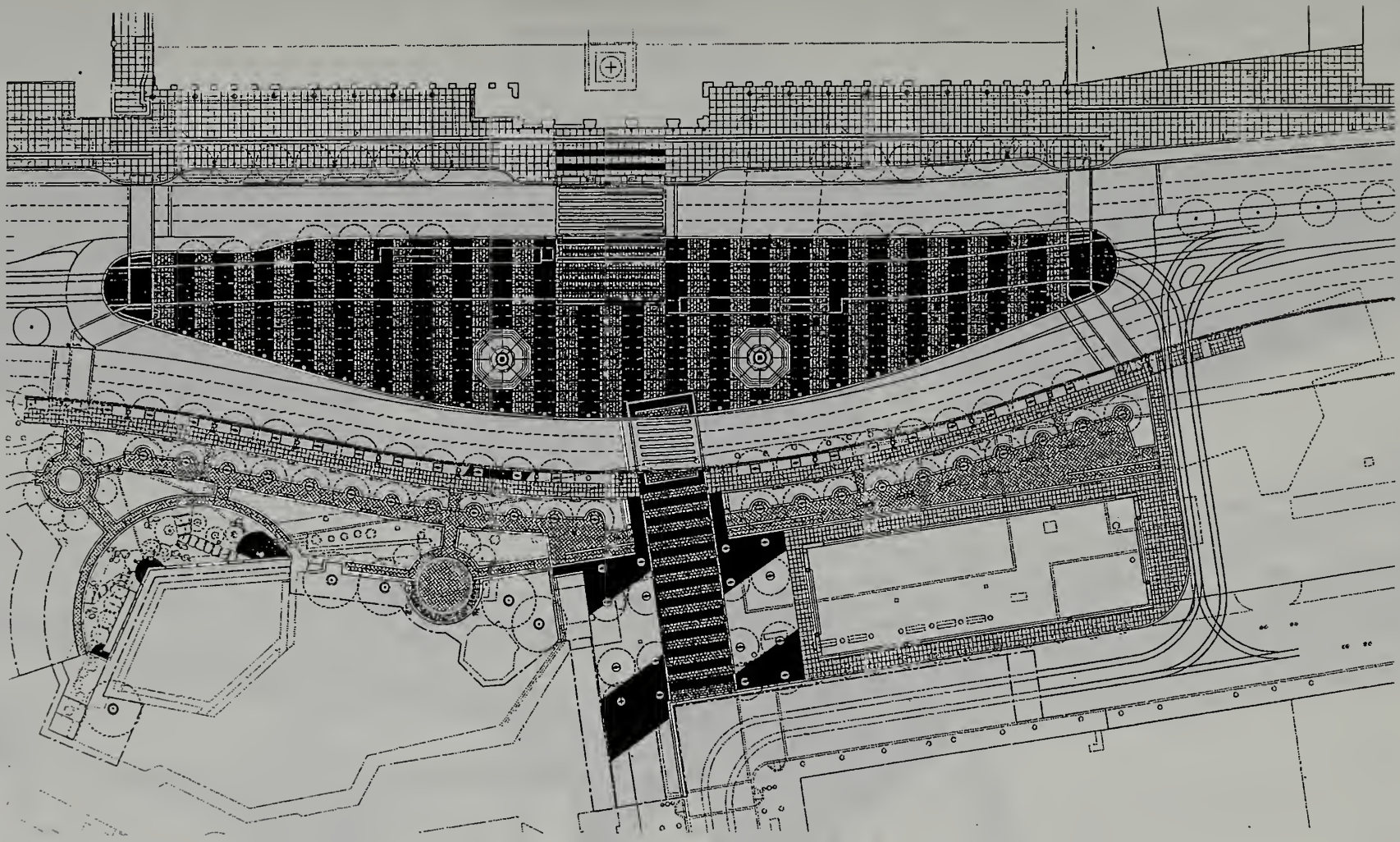
SCALE: 1" = 50'-0"
DATE: May 15, 1997

NOTE: THIS DRAWING IS REDUCED AND NOT TO SCALE IF SHEET SIZE IS SMALLER THAN 30" x 42"

NORTH
PLAN NORTH

SHEET TITLE:
PROPOSED ROADWAY ALIGNMENT AND URBAN DESIGN TREATMENT
WASHINGTON TO BROADWAY

SHEET NO:
EL3



MID-EMBARCADERO ROADWAY

BUREAU OF ENGINEERING/DEPARTMENT OF PUBLIC WORKS
CITY AND COUNTY OF SAN FRANCISCO, CALIFORNIA

ROMA
ARCHITECTURE, LANDSCAPE ARCHITECTURE
URBAN DESIGN, AND PLANNING

CONSULTANTS
Ian Artigasol - Horticulturist
The Engineering Enterprise - Lighting Consultants
Otis Rolb - Associated Architect
Smith Associates PC - Assoc. Landscape Architects
Bayat Consulting Group - Construction Consultants
Sierra Engineering Group - Structural Engineers
Tellabs Consulting Engineers - MEP Consultants

ARTISTS
Stanley Saitowitz
Barbara Kaufacher/Rockman
Vito Acconci
Buster Simpson
Bill Lasnett

REVISIONS
21 MAY 97

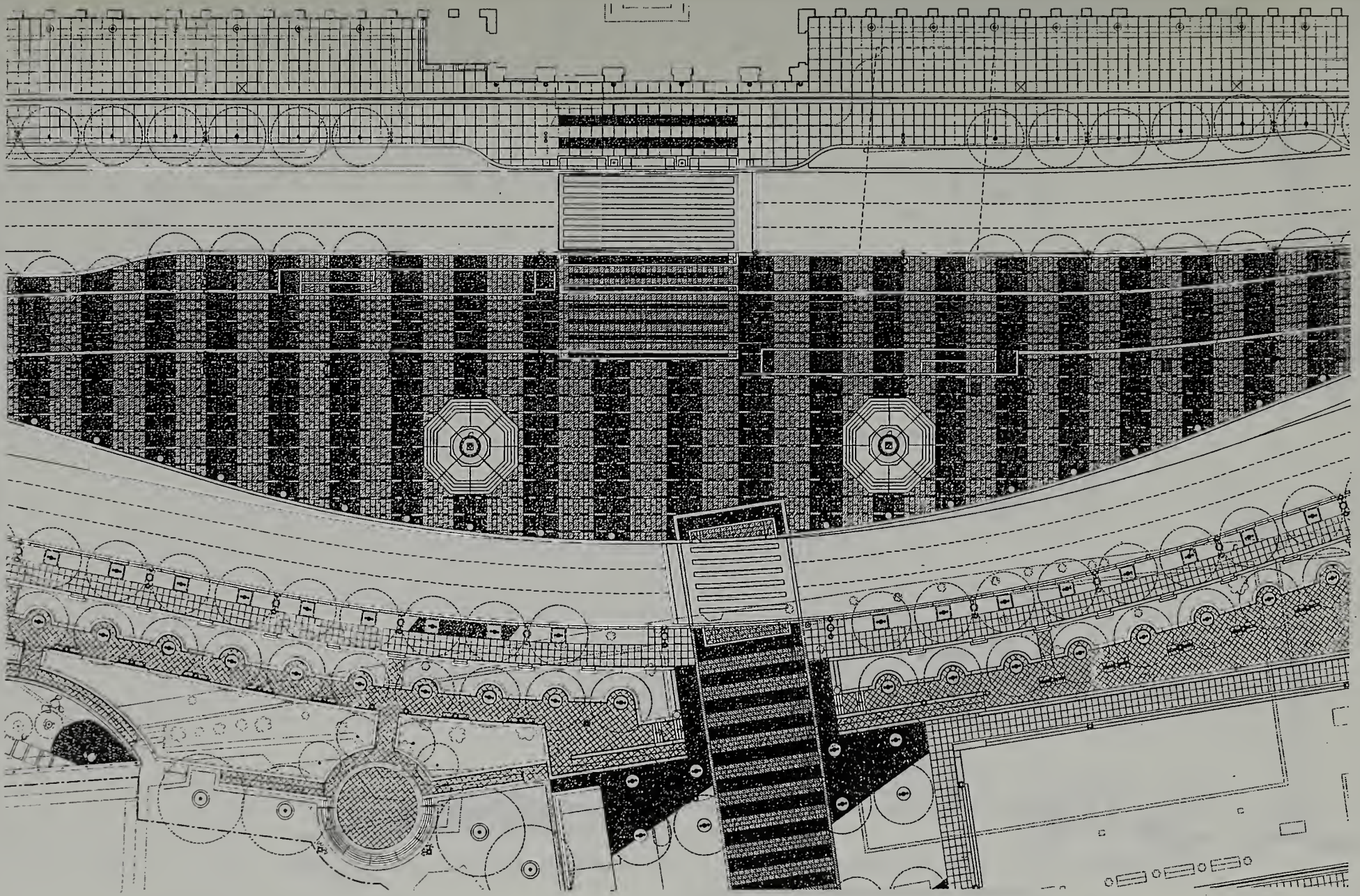
SCALE: 1"-30'-0"
DATE: 15 APRIL 97

NOTE THIS DRAWING IS REDUCED AND NOT TO SCALE IF SHEET SIZE IS SMALLER THAN 30" x 42"

NORTH
PLAN NORTH

SHEET TITLE:
CITYSIDE TRANSITION
DESIGN DEVELOPMENT DRAWINGS
KEY PLAN
-NOT FOR CONSTRUCTION-

SHEET NO:
L1



MID-EMBARCADERO ROADWAY

BUREAU OF ENGINEERING/DEPARTMENT OF PUBLIC WORKS
CITY AND COUNTY OF SAN FRANCISCO, CALIFORNIA

ROMA
ARCHITECTURE, LANDSCAPE ARCHITECTURE
URBAN DESIGN, AND PLANNING

CONSULTANTS
Art Architect - Horticulturist
The Engineering Enterprise - Lighting Consultants
Greg Hoyle - Associated Architects
Sherlock Associates Inc. - Assoc. Landscape Architects
Gerver Consulting Group - Construction Consultants
Rhone Engineering Group - Structural Engineers
Tannadt Consulting Engineers - M.E.P. Consultants

ARTISTS
Stanley Saitowitz
Barbara Stauffacher/Solomon
Vito Acconci
Susan Rankaitis
Jim Melchert

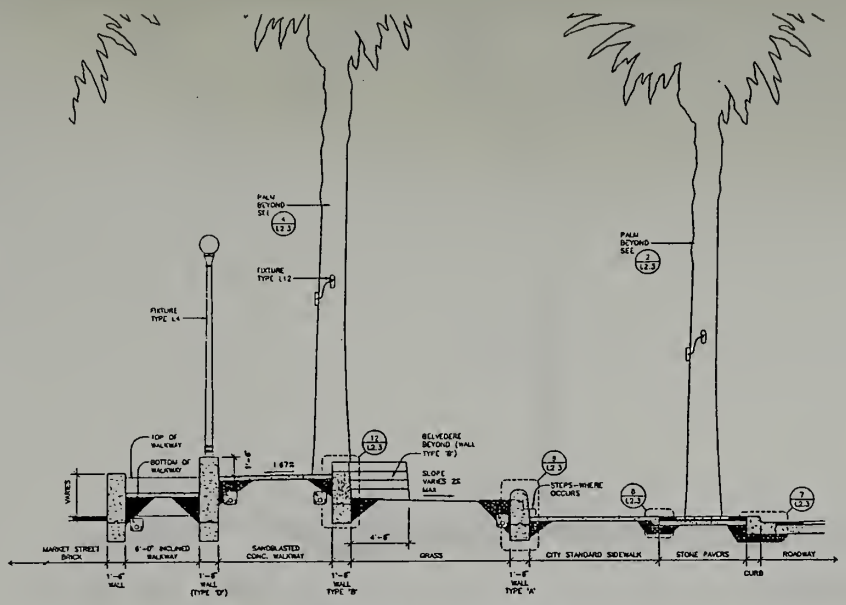
REVISIONS
21 MAY 97

SCALE: 1/16" = 1'-0"
DATE: 15 APRIL 97
NOTE THIS DRAWING IS REDUCED AND NOT TO SCALE IF SHEET SIZE IS SMALLER THAN 30" x 42"

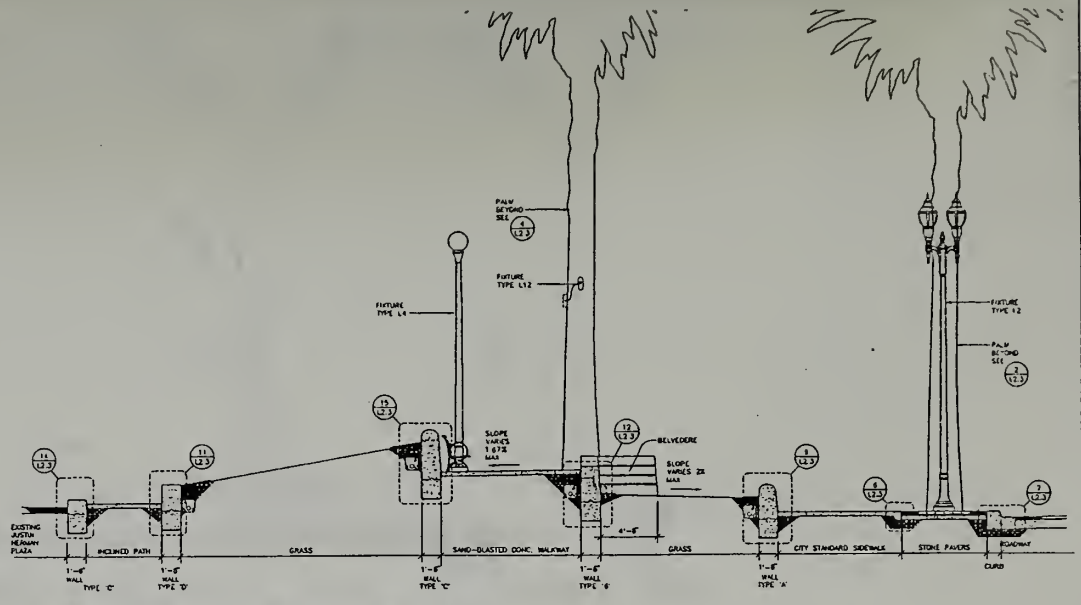
NORTH
PLAN NORTH

SHEET TITLE:
CITYSIDE TRANSITION
DESIGN DEVELOPMENT DRAWINGS
PARTIAL KEY PLAN
–NOT FOR CONSTRUCTION–

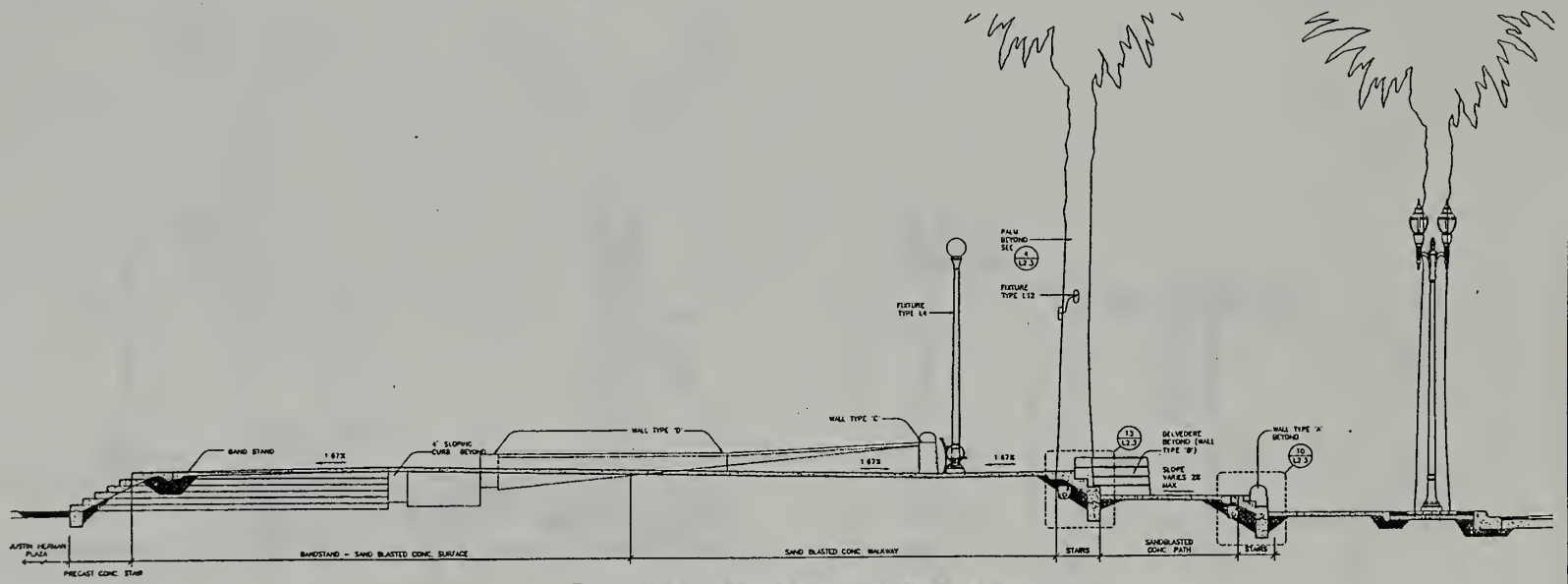
SHEET NO:
L1A



3 SECTION @ SOUTH OF MARKET ROADWAY EDGE
1/4" = 1'-0"



1 SECTION @ NORTH OF MARKET ROADWAY EDGE
1/4" = 1'-0"



2 SECTION @ TYPICAL ROADWAY EDGE & JUSTIN HERMAN PLAZA
1/4" = 1'-0"

MID-EMBARCADERO ROADWAY

BUREAU OF ENGINEERING/DEPARTMENT OF PUBLIC WORKS
CITY AND COUNTY OF SAN FRANCISCO, CALIFORNIA

ROMA
ARCHITECTURE LANDSCAPE ARCHITECTURE URBAN DESIGN AND PLANNING
Stella Design Group
1177 Stockton Street
San Francisco, California 94133
Telephone (415) 616-1000

CONSULTANTS
Mar Advocacy - Horticulturist
The Engineering Enterprise - Lighting Consultants
Qing Pei Ja - Associated Architect
Bonar Associates Inc. - Assoc. Landscape Architects
Baylor Consulting Group - Construction Consultants
Sierra Engineering Group - Structural Engineers
Tauransen Consulting Engineers - MEP Consultants

ARTISTS
Stanley Saitowitz
Barbara Stauffacher Solomon
Yoko Ackerman
Buster Simpson
Bill Wainwright

REVISIONS
21 MAY 97

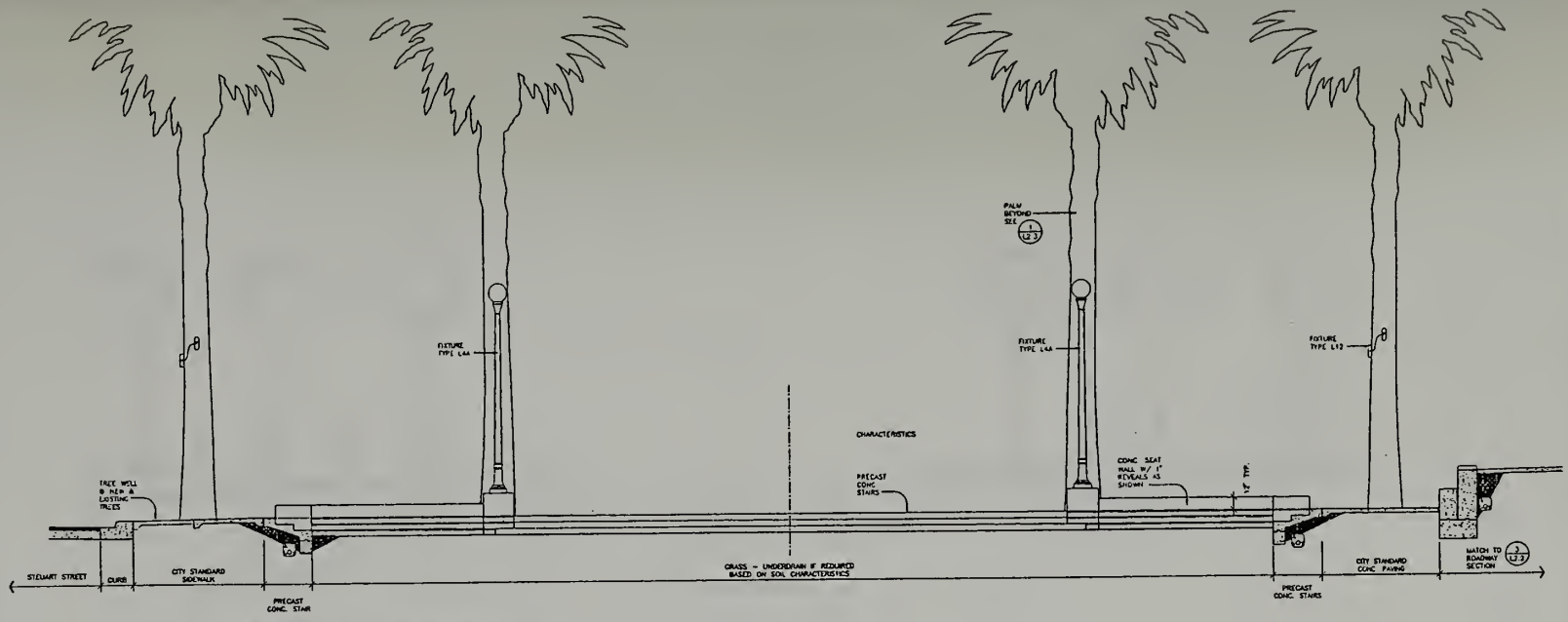
SCALE:
AS NOTED

DATE:
15 APRIL 97

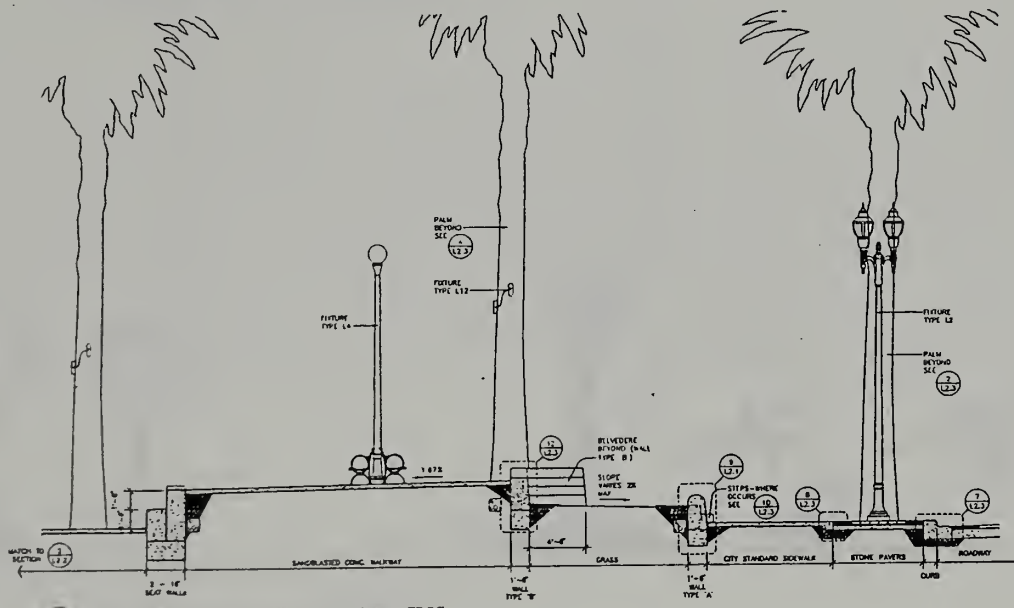
NOTE: THIS DRAWING IS REDUCED AND NOT TO SCALE IF SHEET SIZE IS SMALLER THAN 30" x 42"

SHEET TITLE:
CITYSIDE TRANSITION
DESIGN DEVELOPMENT DRAWINGS
SECTIONS & ELEVATIONS
–NOT FOR CONSTRUCTION–

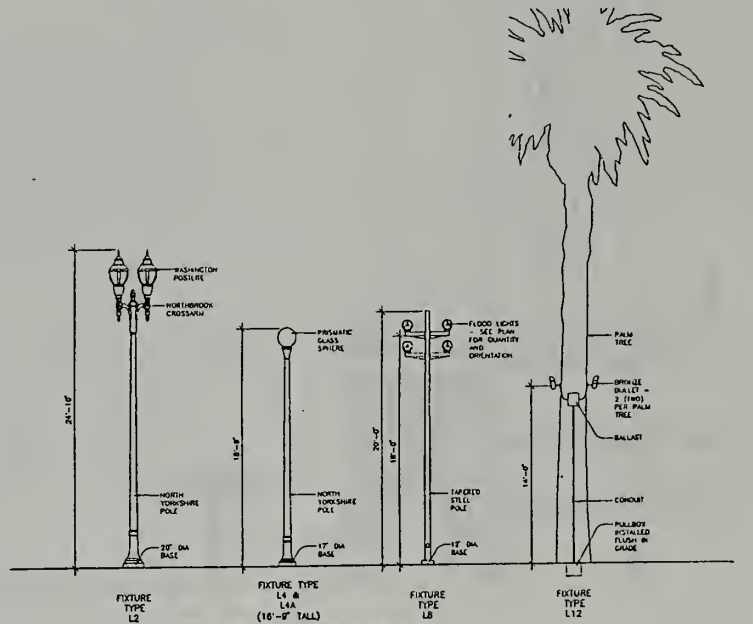
SHEET NO:
L2.1



3 SECTION @ SUNKEN GRASS ACTIVITY AREA
1/4" = 1'-0"



3 SECTION @ SOUTH OF MARKET ROADWAY EDGE
1/4" = 1'-0"



1 STREET LIGHT ELEVATIONS
1/4" = 1'-0"

MID-EMBARCADERO ROADWAY

BUREAU OF ENGINEERING/DEPARTMENT OF PUBLIC WORKS
CITY AND COUNTY OF SAN FRANCISCO, CALIFORNIA

ROMA
ARCHITECTURE, LANDSCAPE ARCHITECTURE
URBAN DESIGN, AND PLANNING

CONSULTANTS
Mar Antognini - Horticulturist
The Engineering Enterprise - Lighting Consultants
Gray Nolin - Associated Architect
Bissell Associates Inc. - Assoc. Landscape Architects
Bovice Consulting Group - Construction Consultants
Bonis Engineering Group - Structural Engineers
Tannasch Consulting Engineers - M&P Consultants

ARTISTS
Stanley Saitowitz
Barbara Bauknecht Rotation
Milo Accordy
Buster Simpson
Bill Maxwell

REVISIONS
21 MAY 97

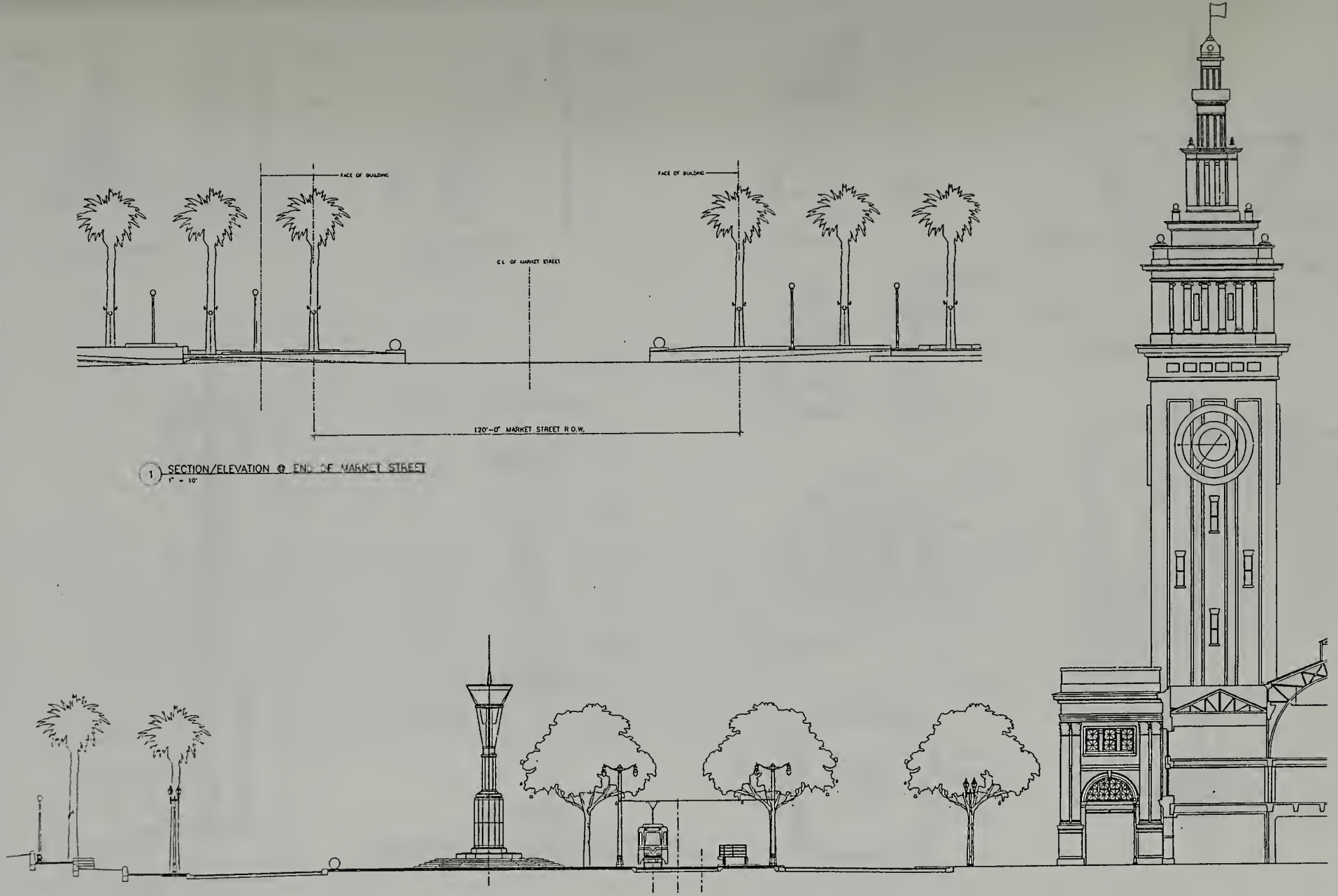
SCALE: AS NOTED
DATE: 15 APRIL 97

NOTE: THIS DRAWING IS REDUCED AND NOT TO SCALE IF SHEET SIZE IS SMALLER THAN 30" x 42"

SHEET TITLE:
CITYSIDE TRANSITION
DESIGN DEVELOPMENT DRAWINGS
SECTIONS & ELEVATIONS
-NOT FOR CONSTRUCTION-

SHEET NO:
L2.2

1 SECTION/ELEVATION @ END OF MARKET STREET
1" = 10'



2 SECTION @ CENTER OF TRANSIT PLAZA
1" = 10'

MID-EMBARCADERO ROADWAY

BUREAU OF ENGINEERING/DEPARTMENT OF PUBLIC WORKS
CITY AND COUNTY OF SAN FRANCISCO, CALIFORNIA

ROMA
ARCHITECTURE LANDSCAPE ARCHITECTURE
URBAN DESIGN, AND PLANNING

CONSULTANTS
Mid Architect - Horticulturalist
The Engineering Enterprise - Lighting Consultants
Greg Paija - Associated Architects
Simon Associates Inc. - Assoc. Landscape Architects
Baynor Consulting Group - Construction Consultants
Berris Engineering Group - Structure Engineers
Treadwell Consulting Engineers - MEP Consultants

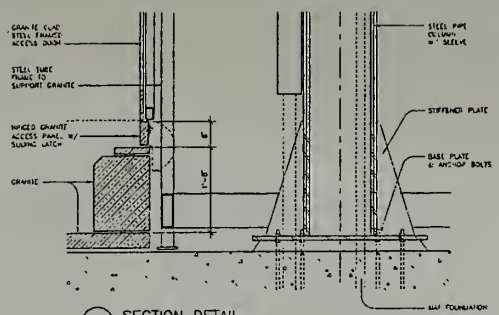
ARTISTS
Stanley Saitowitz
Barbara Stauffacher Solomon
Will Alexander
Buster Simpson
Bill Maxwell

REVISIONS
15 MAY 97

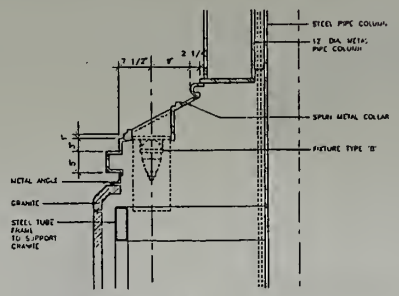
SCALE:
1" = 10'-0"
DATE:
15 MAY 97
NOTE THIS DRAWING IS REDUCED AND NOT TO SCALE IF SHEET SIZE IS SMALLER THAN 30" x 42"

SHEET TITLE:
CITYSIDE TRANSITION
DESIGN DEVELOPMENT DRAWINGS
OVERALL SECTIONS
–NOT FOR CONSTRUCTION–

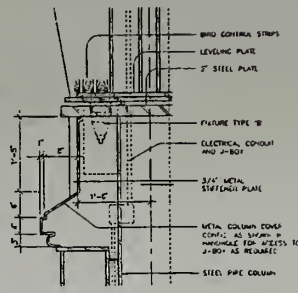
SHEET NO:
L2.6


GRANITE CLAD STEEL FRAMED ACCESS DOOR
STEEL TUBE FRAME TO SUPPORT GRANITE
HINGED GRANITE ACCESS PANEL W/ SLIDING LATCH
GRANITE
STEEL PIPE COLUMN W/ SLEEVE
STIFFENER PLATE
BASE PLATE & ANCHOR BOLTS
MAT FOUNDATION

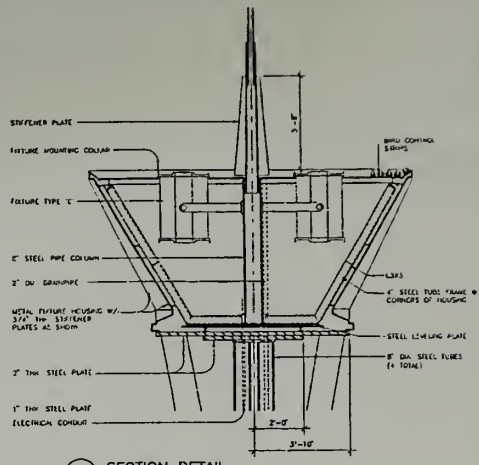
11 SECTION DETAIL
1" = 1'-0"



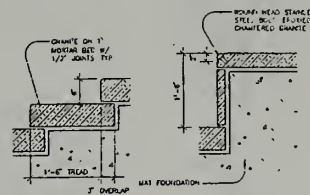
9 SECTION DETAIL
1" = 1'-0"


BIRD CONTROL STRIPS
LEVELING PLATE
3" STEEL PLATE
FIXTURE TYPE 'B'
ELECTRICAL CONDUIT AND J-BOX
3/16" METAL STIFFENER PLATE
METAL COLUMN COVER CONFIG. AS SHOWN W/ HANDHOLE FOR ACCESS TO J-BOX AS REQUIRED
STEEL PIPE COLUMN

4 SECTION DETAIL
1" = 1'-0"

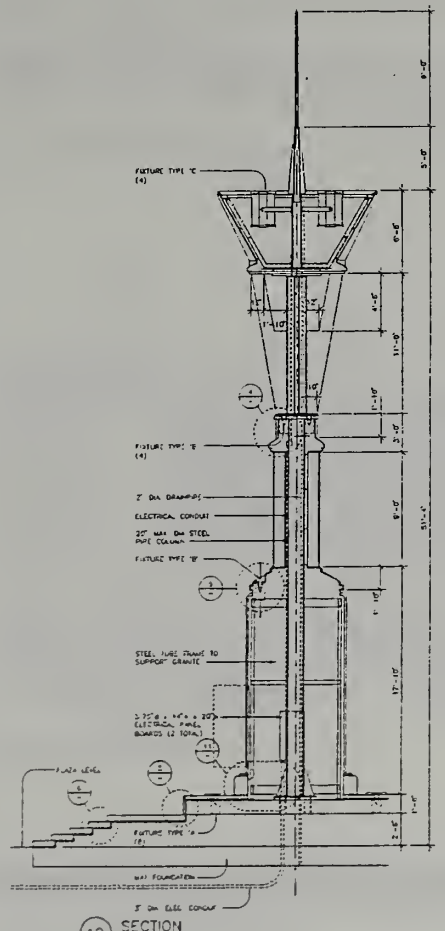


1 SECTION DETAIL
1/2" = 1'-0"

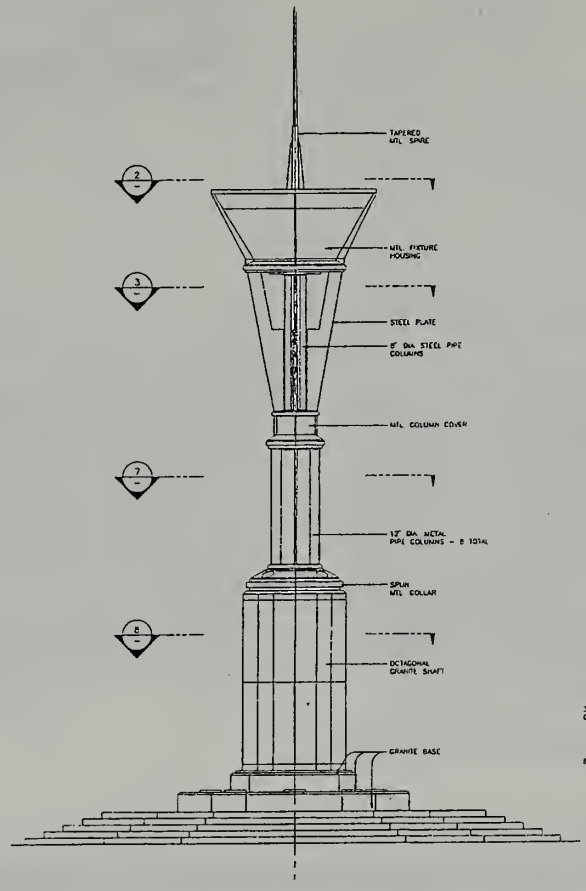

GRANITE ON 1" MORTAR BED W/ 1/2" JOINTS TYP
1'-6" TREAD
3" OVERLAP
BOUND HEAD STAINLESS STEEL BOLT, COUNTERSUNK AND CHAMFERED GRANITE EDGE
1'-6"
MAT FOUNDATION

6 SECTION DETAIL
1" = 1'-0"

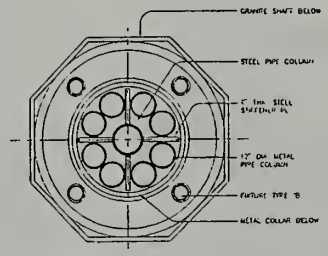
5 SECTION DETAIL
1" = 1'-0"



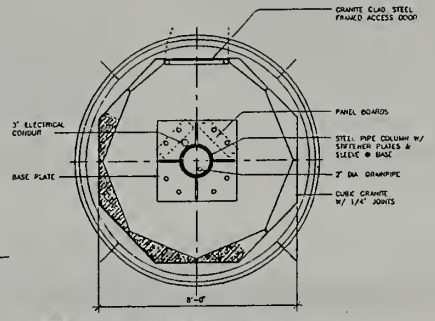
12 SECTION
1/4" = 1'-0"



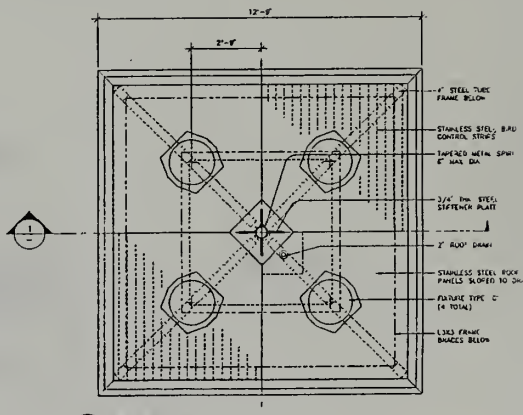
10 ELEVATION
1/4" = 1'-0"



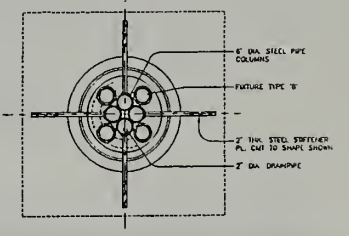
7 PLAN DETAIL
1/2" = 1'-0"


GRANITE CLAD STEEL FRAMED ACCESS DOOR
3" ELECTRICAL CONDUIT
PANEL BOARDS
STEEL PIPE COLUMN W/ STIFFENER PLATES & SLEEVE @ BASE
BASE PLATE
2" DIA DRAINPIPE
CUBIC GRANITE W/ 1/4" JOINTS
8'-0"

8 PLAN DETAIL @ GRANITE SHAFT
1/2" = 1'-0"


12'-8"
2'-8"
6" STEEL TUBE FRAME BELOW
STAINLESS STEEL BIRD CONTROL STRIPS
TAPERED METAL SPIRE 8" MAX DIA
3/16" THK STEEL STIFFENER PLATE
2" ROOF DRAIN
STAINLESS STEEL ROOF PANELS SLOPED TO DRAIN
FIXTURE TYPE 'C' (4 TOTAL)
L3X3 FRAME BRACES BELOW

2 ROOF PLAN
1/2" = 1'-0"



3 PLAN DETAIL
1/2" = 1'-0"

MID-EMBARCADERO ROADWAY

BUREAU OF ENGINEERING/DEPARTMENT OF PUBLIC WORKS
CITY AND COUNTY OF SAN FRANCISCO, CALIFORNIA

ROMA
ARCHITECTURE, LANDSCAPE ARCHITECTURE
URBAN DESIGN, AND PLANNING

CONSULTANTS

ARTISTS

REVISIONS

SCALE: AS NOTED
DATE: 15 APRIL 97

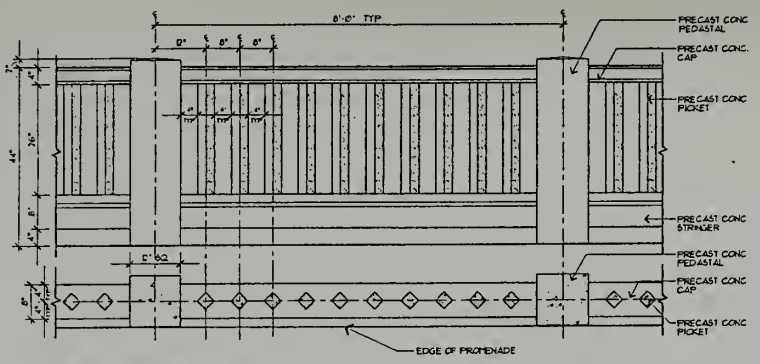
NOTE: THIS DRAWING IS REDUCED AND NOT TO SCALE IF SHEET SIZE IS SMALLER THAN 30" x 42"

SHEET TITLE:

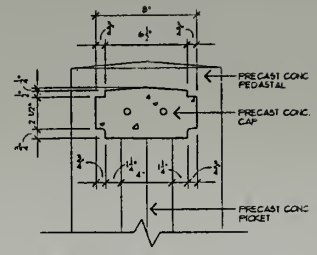
TRANSIT PLAZA
DESIGN DEVELOPMENT DRAWINGS
LIGHT CANNON DETAILS
–NOT FOR CONSTRUCTION–

SHEET NO:

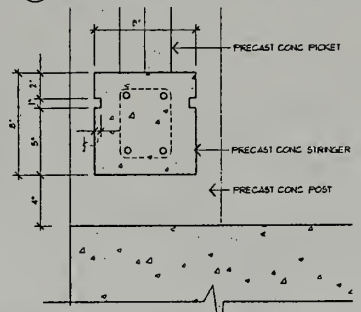
L2.4



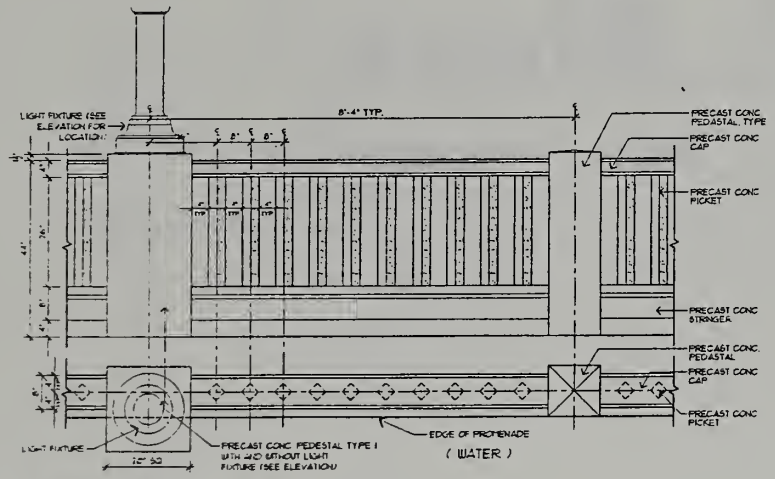
1 PRECAST CONC. RAILING SYSTEM



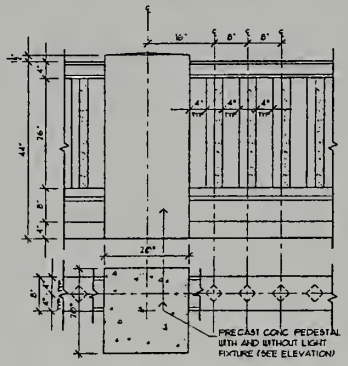
3 PRECAST CONC. CAP



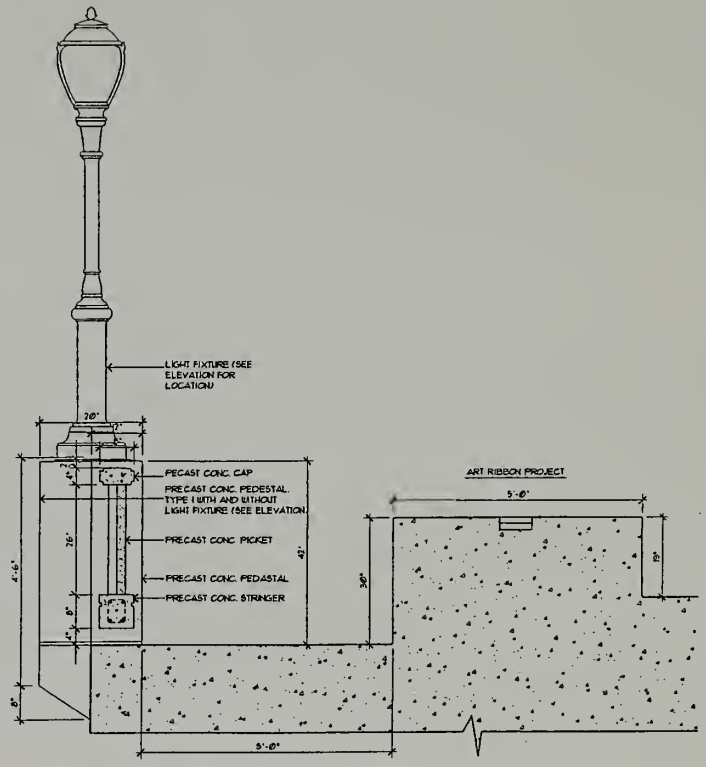
4 PRECAST CONC. STRINGER



2 PRECAST CONCRETE PEDASTAL



5 PRECAST CONCRETE PEDASTAL TYPE 1



6 SECTION - PRECAST CONC. RAILING SYSTEM

7 RAILING ELEVATION AT RINCON PARK

MID-EMBARCADERO ROADWAY

BUREAU OF ENGINEERING/DEPARTMENT OF PUBLIC WORKS
CITY AND COUNTY OF SAN FRANCISCO, CALIFORNIA

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Mathew Hennessy - Electric Design
Gray Page - Associated Architect
Nelson Associates Inc. - Assoc. Landscape Architects
Seyfer Consulting Group - Construction Consultants
Tom's Engineering Group - Structural Engineers
Townsend Consulting Engineers - M.E.P. Consultants

ARTISTS
Barbara Goldowsky
Barbara Blackhawk Asbestos
Yoko Accardy
Buster Simpson
Bill Wermert

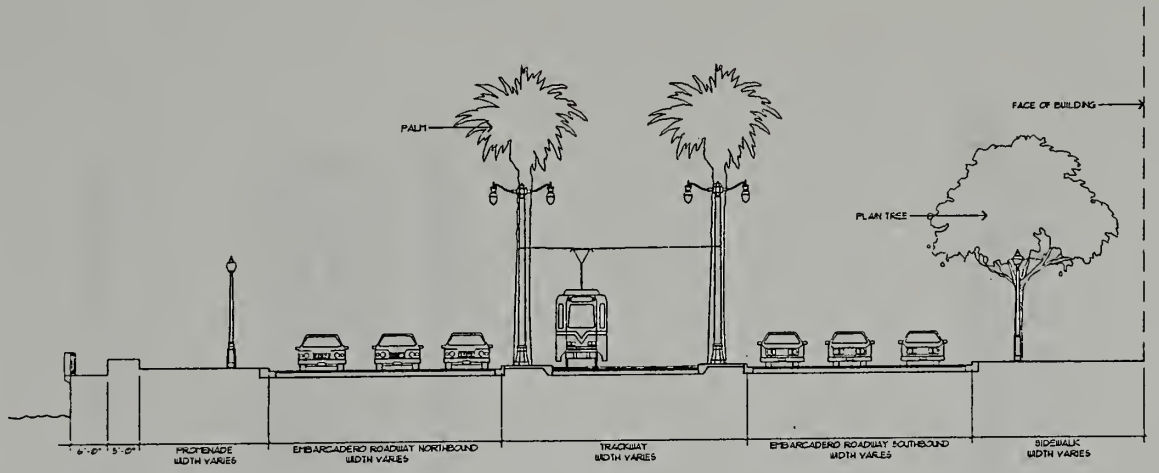
SCALE: 1" = 50'-0"
AS NOTED
DATE: May 15, 1997
8-22-97

NOTE: THIS DRAWING IS REDUCED AND NOT TO SCALE IF SHEET SIZE IS SMALLER THAN 30" x 42".

NORTH
PLAN NORTH

SHEET TITLE:
EMBARCADERO ROADWAY
DESIGN DEVELOPMENT DRAWINGS
RAILING ELEVATION & DETAILS
-NOT FOR CONSTRUCTION-

SHEET NO:
EL 3



1 SECTION AT THE EMBARCADERO
SCALE 1/8" = 1'-0"

2 RAILING ELEVATION FROM BAY NORTH OF RINCON PARK
SCALE 1/8" = 1'-0"

MID-EMBARCADERO ROADWAY
BUREAU OF ENGINEERING/DEPARTMENT OF PUBLIC WORKS
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Geotechnical Engineering - Harding Lawson Associates
Electrical Engineering - Bruce Mau Design
Structural Engineering - Forell/Elsesser Engineers
Transportation Consulting Engineers - Wilbur Smith Associates

ARTISTS
Stanley Saitowitz/Natoma Architects
Richard Serra/Richard Balkenhol
Vito Acconci
Dennis Oppenheim
Bill Viola

SCALE: 1" = 50'-0"
1/8" = 1'-0"
DATE: May 15, 1997
MAY 23, 1997

NOTE: THIS DRAWING IS REDUCED AND NOT TO SCALE IF SHEET SIZE IS SMALLER THAN 30" x 42".

NORTH
PLAN NORTH

SHEET TITLE:
EMBARCADERO ROADWAY
DESIGN DEVELOPMENT DRAWINGS
RAILING ELEVATION & SECTION
-NOT FOR CONSTRUCTION-

SHEET NO:
EL 4

SAN FRANCISCO
PORT COMMISSION

AUGUST 12, 1997
MINUTES OF THE MEETING

DOCUMENTS DEPT.
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MEMBERS, PORT COMMISSION

HON. MICHAEL HARDEMAN, PRESIDENT
HON. DENISE McCARTHY, VICE PRESIDENT
HON. FRANKIE G. LEE
HON. JAMES HERMAN

DOUGLAS F. WONG, EXECUTIVE DIRECTOR

CITY & COUNTY OF SAN FRANCISCO
PORT COMMISSION

MINUTES OF THE REGULAR MEETING
AUGUST 12, 1997

1. ROLL CALL

The meeting was called to order by Commission President Michael Hardeman at 4:06 p.m. The following Commissioners were present: Michael Hardeman, Denise McCarthy, Frankie Lee and James Herman.

2. APPROVAL OF MINUTES - June 24, 1997 Special & Regular Meeting
- July 16, 1997 Special Meeting
- July 22, 1997 Special & Regular Meeting

ACTION: Commissioner McCarthy moved approval; Commissioner Lee seconded the motion. All of the Commissioners were in favor; the minutes of the June 24, 1997 Special & Regular Meetings were adopted.

ACTION: Commissioner McCarthy moved approval; Commissioner Lee seconded the motion. All of the Commissioners were in favor; the minutes of the July 16, 1997 Special Meeting were adopted.

ACTION: Commissioner McCarthy moved approval; Commissioner Lee seconded the motion. All of the Commissioners were in favor; the minutes of the July 22, 1997 Special and Regular Meetings were adopted.

3. EXECUTIVE

A. Executive Director's Report:

Mr. Wong reported that the Port is working with the United States Maritime Administration regarding the home porting of the "ready reserve" fleet. Staff has been meeting with representatives from Washington, D.C. The ships would have to be ready to deploy on 96 hours notice to take cargo, troops and supplies for deployed military forces in the event of conflict in different parts of the world. The Maritime Administration (MARAD) is looking to group between five or ten ships in one port location for better operational coordination and efficiency. The Port will respond formally to an RFP to be issued by MARAD this month for a five-year agreement to homeport the vessels at a bay area location. MARAD has asked the Port to berth the first five vessels at the Port beginning at the end of the month on an interim basis, on

a month-to-month contract. Last week, one ship was brought in and another ship will be brought in at the end of the month. Staff hopes to have all seven of the ships at the Port in the next three months. This business would greatly benefit San Francisco's ship repair and harbor services industries as well as generate revenues to the Port. It is estimated that the five-year deal is worth between $2.5 to $3 million. Mr. Wong thanked Peter Dailey and Charlie Mitchell for putting the deal together and noted that this is an important step in bringing back maritime to the Port. The ship is currently located at Pier 50. He invited the Commissioners to take a tour of the ship.

Mr. Wong announced that the Mayor has appointed Kimberly Brandon as the new Port Commissioner. Her full appointment should be confirmed by the Board of Supervisors next week. He invited the Commission to attend her swearing-in on Tuesday, August 19 at the Mayor's office.

Mr. Wong reported that Dorothy Riemers, Secretary for the Maintenance Department, will be retiring at the end of August. She has served the Port for 41 years and 2 months. He invited the Commissioners to attend a luncheon in her honor scheduled on August 26 at Ceasers Restaurant.

4. MARITIME

5. REAL ESTATE AND ASSET MANAGEMENT

6. FACILITIES & OPERATIONS

A. Authorization to approve the First Amendment to Professional Services Contract No. SA3960013, "Pier 48 Earthquake Damage Repair," with GKO & Associates. (Resolution No. 97-69)

Mr. Alex Lee, Director of Facilities and Operations, indicated that this is a request for the Port Commission to approve the First Amendment to Professional Services contract with GKO & Associates for Pier 48 earthquake damage repair. The Port awarded a consultant contract of $65,789 to GKO for the design of Pier 48 bulkhead building repair. The construction includes driving a one-foot diameter, 135-foot long steel piles both within the bulkhead buildings and outside the perimeter walls of the buildings. Because of the unpredictable underground conditions, some of the piles have met "refusal" which means that they cannot be driven to the design depths. This amendment, in the amount of $19,000, will allow GKO to design a revised pile connection system and to provide additional construction management support to Port staff. The Port expects that FEMA will fully fund this additional cost.

ACTION: Commissioner Lee moved approval; Commissioner McCarthy seconded the motion. All of the Commissioners were in favor; the resolution was adopted.

B. Authorization to approve Fifteenth Amendment to Professional Services Contract No. SA3992026, for Ferry Building Seismic Repair Stage II Work, with H.J. Degenkolb

& Associates. (Resolution No. 97-72)

Mr. Alex, Director of Facilities & Operations, indicated that this is a request for the Port Commission to approve the fifteenth amendment for the professional services contract with Degenkolb and Associates for the Ferry Building Seismic Repair Stage II Work. Degenkolb has been under consultant contract with the Port for the design and other services for Ferry Building repairs and seismic upgrades. Because the Ferry Building is old, the current construction work has uncovered previously unknown historical items such as historic tiles and granite. The Port has negotiated with Degenkolb to provide additional design services for $11,780 to address the historical items and $25,000 to provide construction management support services. The Port anticipates that FEMA will fund the additional design work. However, the additional construction management support will be financed by the Port's Ferry Building Shearwall Capital Fund.

Commissioner Lee indicated that he carefully examines each and every amendment to any A/E contracts. He indicated that Degenkolb is a great firm and understood the need for the additional work. However, he was concerned about the number of amendments to the project and wondered if this will be the last amendment. Mr. Alex Lee responded that it is difficult to predict it; however, he does not anticipate another 15 amendments but perhaps one or two more to finish the project. Commissioner Lee reiterated that this amendment for the additional design services and construction management support. He inquired what type of management support will be provided. Mr. Alex Lee replied that it will be for inspection since a lot of the work will be done at night, they will be able to answer questions.

ACTION: Commissioner Lee moved approval; Commissioner Herman seconded the motion. All of the Commissioners were in favor; the resolution was adopted.

C. Authorization to issue a Request for Proposals ("RFP") for earthquake funding reimbursement support. (Resolution No. 97-73)

Mr. Alex Lee indicated that this is a request for the Port Commission to authorize staff to issue an RFP for earthquake funding reimbursement support. As a result of the October 17, 1989 Loma Prieta Earthquake, a number of structures at the Port were damaged. The Federal Emergency Management Agency (FEMA) and the State Office of Emergency Services (OES) are financing most of the earthquake repair and hazard mitigation work. The document that provide the authorization for funding of this work is called a Damage Survey Report (DSR). Most of the actual construction work cost more than the original DSR, which means the Port is required to request from FEMA and OES additional reimbursement. A list of the tasks is provided in the memorandum. One of the most critical element is to be able to assist staff to request FEMA and OES to reduce the funding retention held by the agencies. FEMA currently retains 25% of the reimbursement fund on any project over $36,500 and OES retains 10% of the fund. The retention is not scheduled to be released until all of the project work is completed, which is anticipated in 1999. The Port currently has

approved funding of over $24 million. Any reduction of percentage of retention will help the Port's financial condition. The consultant contract is expected to cost approximately $50,000.

Commissioner Lee reiterated that this contract is to hire a consultant to assist Port staff to verify the stage of construction so the agencies can release the funds. Mr. Alex Lee added that the consultant will help staff with appeals in the event that FEMA or OES will deny our request of funding and to request that the total retention be reduced. Commissioner Lee inquired if the money spent to hire the consultant is worth spending. Mr. Alex Lee replied that it is because if the funds are released, they can be used for other purposes. Commissioner Lee inquired if this is a lump sum contract. Mr. Alex Lee indicated that it is a professional services contract and staff will negotiate a contract.

Commissioner McCarthy inquired about the contract duration. Mr. Lee replied that the term of the contract is one year. Commissioner McCarthy inquired if staff and consultant have any reason to believe that they will be able to succeed. Mr. Alex Lee indicated that there are consultants who used to work with FEMA and OES who were successful in getting the retention release and appealing FEMA and OES decisions. Commissioner McCarthy inquired if staff has been dealing with this for a long time since the money has bee available for some time. Mr. Lee replied that staff needs more help and the consultant will be able to assist us and we may be able to justify the cost of administrative fund from FEMA.

ACTION: Commissioner McCarthy moved approval; Commissioner Lee seconded the motion. All of the Commissioners were in favor; the resolution was adopted.

D. Approval of the revision to the original underground district along Terry A. Francois Boulevard. (Resolution No. 97-74)

Mr. Alex Lee, Director of Facilities and Operations, gave the Commission a copy of the map for the proposed project. He indicated that this item is to seek Port Commission approval to revise the current utility underground district along Terry A. Francois Blvd approved by the Commission in January 1997. Port staff, in working with PG&E and DPW, believes that extending the underground district along Terry Francois Blvd. is the most economical method of undergrounding the power line and will benefit future Port projects. The utility work in the revised underground district will be constructed in three phases, with each phase contingent on the Port's approval for underground work. Phase I consists of the portion defined in the original Pier 52 Boat Launch site underground district established by Resolution No. 97-04. The cost of this phase is estimated at $120,000. Phase II consists of the portion immediately to the north of Phase I to the intersection of China Basin and Third Streets. Phase III consists of the portion immediately south of Phase I southerly to the intersection of Terry A. Francois Blvd., Illinois Street and Mariposa Street.

Port staff seeks the Commission's approval to revise the current underground district

along Terry A. Francois Blvd. in order for the Board of Supervisors to vote on the matter.

ACTION: Commissioner Lee moved approval; Commissioner McCarthy seconded the motion. All of the Commissioners were in favor; the resolution was adopted.

E. Approval for Port staff to request a Supplemental Appropriation through the Board of Supervisors for funds to contract with Concept Marine Associates, for architectural and engineering services for the Hyde Street Harbor Waterside Facility. (Resolution No. 97-75)

Mr. Alex Lee indicated that the first statement of the memorandum should state that "On December 20, 1996, by Resolution No. 96-136, the Port Commission authorized staff to expend a $3.5 million loan with ...." Staff requests the Commission to authorize Port staff to seek authorization to go to the Board of Supervisors to request the supplemental appropriation for $240,300.

Commissioner McCarthy inquired if the $3.5 million was a loan or a grant. Mr. Lee replied that it was a loan. Commissioner Lee indicated that Concept Marine Associates is a good firm and he asked if the Port has an existing contract with the firm. Mr. Alex Lee replied that staff has negotiated a contract with them through a formal RFP for the design.

ACTION: Commissioner McCarthy moved approval; Commissioner Lee seconded the motion. All of the Commissioners were in favor; the resolution was adopted.

7. PLANNING & DEVELOPMENT

A. Informational Briefing of the Fisherman's Wharf Interpretive Signage Program. (Information Only)

Mr. Dan Hodapp, Planning & Development staff, indicated that the project's main goal is to enhance visitors experience at Fisherman's Wharf and at the same time educate people about the fishing industry both current and part of its historic nature and provide geographical orientation to pedestrians. This project is included in the capital plan. Another underlying goal of the program is to prove to people who come to Fisherman's Wharf that we do, in fact, have a healthy and viable fishing industry. This will provide an opportunity for people to come away with a memorable experience.

He then explained the program development. The program was broken up into three phases: (1) Background Research, which includes generating possible topics, gathering data, interviewing historians and others knowledgeable about the area and analyzing adjacent signage programs. Staff hopes to complete this phase in September. (2) The Program Development phase will commence in the fall and will

include refining topics and locations, selecting graphics, preliminary signage design and preparing a consultant Request for Proposals (RFP) which will subsequently be brought to the Commission. (3) The Project Design will begin early next year and will include selection of a consultant team for graphic design, architectural design, editing, fabrication and installation. The current schedule calls for installation of the interpretive signage program in the fall of 1998.

He showed a graphic which illustrated seven other signage programs in and around the wharf area. There is an interpretive signage program along the Embarcadero as well as the second level of Pier 39, and more signs are added in the lower level as part of the Underwater World project. There is the Barbary Coast trail, the plaque system which is proposed to be installed throughout the City. There is a new program at Ghirardelli Square. There are some National Maritime Museum Signage at the Hyde Street Pier and at Pampanito and Fort Mason and Aquatic Park area. The program extends from Pier 43 to the Hyde Street Pier and it emphasizes the fishing industry.

He discussed some of the topics and routes that were developed. The suggested destinations for the interpretive walk include the Pier 43 Railroad Arch, Pier 45 fish processing operations and historic military uses, Fisherman's Seaman's Memorial Chapel, crab-cookers along Taylor and Jefferson Streets, Inner and Outer Lagoon harbors, Pier 47A viewing area, Fish Alley, and the Hyde Street Harbor. The current plan is to develop a program that a visitor could jump in on at any time and enjoy it from any particular point along the way and would have a relationship to the next one. There will be an orientation graphic included in each. The topics listed are somewhat headlines, the intent is to grab people's interest. Interpretive topics may include types of fish caught, types of fishing boats, fishing seasons, styles of fishing, types of nets, crab traps, early fisherman at the wharf, individuals who first settled in the Fisherman's Wharf area, names of boats, supply and use of ice, types of bait, how fish are processed, location and development of the seawall, how tides and currents affect fishermen and the role of the wharfinger.

This program has been presented to the Fisherman's Wharf Board of Governors and they were very enthusiastic and supportive of the program. Staff feels that this project coordinates well with the other programs such as The Barbary Coast Trail and this project will be mentioned in the next edition of their book. The Barbary Coast Trail is a trail that you follow a series of plaques, which will require Port approval if it is going to be installed in Port property. The Port is doing a somewhat different type of signage program and will be complimentary and beneficial to each other. Staff is researching methods of construction. This project has been funded in the amount of $200,000, in the Port's Capital Plan. He welcomed the Commission's comments on any of the detail or the general nature of the program. Staff will keep the Commission abreast as it continues to refine topics and make this project a reality.

Commissioner Lee indicated that this is a great idea and money well spent. It is beneficial to both the citizens of San Francisco to learn about the history of Fisherman's wharf and also a great eye opener from someone in the Mid-West. He enjoyed what was done south of the Ferry Building. He thought that this program is a

good idea and encourage staff to move forward.

Commissioner Hardeman asked staff to share to the Commission all of the information for this project prior to fall of 1998. Commissioner Lee inquired about the proposed route. Mr. Hodapp indicated that it is generally a route that goes through the area that takes you off of the same main beaten paths and gets you closer to some of the fishing industry activities. Commissioner Lee inquired how the pedestrians will be guided through the route. Mr. Hodapp replied that there are a number of options but staff has not made any specific recommendation. Staff will be providing an orientation and a map will be included.

B. Approval of the Final Design for the Mid-Embarcadero Roadway Project. (Resolution No. 97-68)

Mr. Dan Hodapp, Planning & Development, indicated that the design of the Mid-Embarcadero Roadway has evolved over a six-year period. The Port Commission most recently reviewed the project last fall and held three public hearings on the project and adopted a resolution approving the design parameters for the project. The project was approved by a variety of City Commissions last fall and more recently by the BCDC Commission and Design Review Board. Following adoption of a Port Commission resolution, there will be one additional review by the Board of Supervisors. The purpose of today's presentation is to review some of the final design prior to finalizing the bid package and advertising for bids. He introduced Boris Dramov, the project's urban designer, Barbara Moy of the Waterfront Transportation Projects and Jill Manton from the Art Commission to assist in the presentation should the Commission have any questions.

This is a transportation project to replace the freeway in front of the Ferry Building, to provide transportation to Port facilities, bulkhead buildings, maritime operations as well as other tenants along the waterfront. This project will enhance the pedestrian environment, ability to provide for bicyclists and ability to improve the overall appearance of Port property.

The project design features are:

(1) Embarcadero Roadway - there are three lanes in each direction during peak times in front of the Ferry Building. In other areas, it reduces to two lanes during off peak times. There is a streetcar that occurs through the median of the project and there will be a surface connection to connect the F-Line and the street car line to the south.

(2) Ferry Building Plaza - the approved plan for the Mid-Embarcadero Roadway calls for the north and south bound lanes to separate between Mission and Washington streets to create an island plaza in front of the Ferry Building. The plaza measures approximately 130 ft. in width and provides opportunity for a grand court in front of the Ferry Building as well as for viewing the Ferry Building and for gathering.

(3) Embarcadero Promenade - the minimum width of the promenade will be 25 ft. increasing to 45 ft. adjacent to the central entrances of the Ferry Building and 60 feet adjacent to the north and south wings of the building.

A few of the design features of the project is covered in the design parameters adopted last fall. There is granite paving in the central plaza in front of the Ferry Building. The drawings last fall indicated granite paving directly in front of the Ferry Building along the promenade but that item has been deleted due to cost differences. However, we still maintain a granite. There was concern about some of the granite being too strong a pattern. The pattern has been changed somewhat by including a striping that runs both directions.

The bay side promenade will be paved in dark concrete throughout to match the north and south sections of the roadway. The city side sidewalk will be standard concrete of a lighter color than the promenade. The central plaza will be paved in two to three tones of granite to create a pattern in scale with the Ferry Building and overall plaza.

The double row of palm trees will continue in the median north of Washington and south of Mission Streets. Between Washington and Mission Streets, the palms in the median are shifted to the city side promenade to define the edge of the Ferry Building plaza. There are street trees in the plaza and directly in front of the Ferry Building. The Liquidamber trees are chosen for their stately appearance, and does well in the environment.

Lighting will be provided as part of the roadway project. There is a variety of types of lighting included in the drawing package provided to the Commission. They include lighting directly in front of the Ferry Building, continuation of the Market Street fixtures in the central area and the light fixtures extending along the sidewalks in the north and south Embarcadero. A pair of large sculptural light cannons are planned within the plaza to create festive lighting for special celebrations. In addition, the light cannons will serve to center the space and to frame the central portico of the Ferry Building. The base of the light cannons is designed to provide seating within the plaza. Due to funding constraints, the light cannons will be included in the construction bid document as an "additive alternative."

Public Art is involved in this project as well. The art ribbon continues throughout the project but it differs in the Mid-Embarcadero project in that there will be no raise elements in between Pier 7 to south of the Agricultural Building, to provide maximum pedestrian circulation. The promenade will continue, flushed with the ground, and light will continue through it. South of the Agricultural Building there will be raised sections and will include an edge detail to deter skateboard use while allowing the ribbon to be used as a seat.

Another public art addition is the proposed foot sculpture which will be located immediately south of the Agricultural Building. The foot sculpture is about 18 ft. tall. The sculpture was selected by the Art Commission as a metaphor for the demarcation of setting foot on the land.

Mr. Hodapp indicated that Port staff is working with the Waterfront Transportation's office and other city departments in finalizing a Memorandum of Understanding on this project and the MOU covers issues such as the maintenance, construction of the project, responsibilities during construction, agreement for the MUNI Ferry Bus Terminal, hazardous materials, marginal wharf, replacement parking issues. The final MOU will be before the Commission by September.

Commissioner McCarthy indicated that when staff made a previous presentation on this project, the trees in the drawings were very dense. She asked if modifications were made. Mr. Dramov replied that they have been changed. Mr. Hodapp added that the number of trees is less than what was shown before. There will be six trees on each wing of the Ferry Building and seven across the plaza.

Commissioner McCarthy indicated that the two large lights look fabulous and inquired about the funding. Mr. Hodapp replied that this is being pursued at this point and Barbara Moy is working very diligently to secure the funds.

Commissioner Lee asked about the types of trees that will be planted and whether they will shed a lot of leaves. Mr. Dramov indicated that Liquidamber is a tree that turns into fall color and would be a nice addition for this area but this particular tree would not be problematic.

Commissioner Herman inquired about the reasons behind the Art Commission's recommendation of the foot sculpture. Ms. Jill Manton, Director of the Public Art Program for the Art Commission, first thanked Commissioner Lee for his positive comments about the signage program and appreciates the Commission's support for that project. The artist worked as a member of the urban design team and developed a project that he felt had some relationship to Embarcadero. The root of that word is to embark, which means to set foot, to begin a journey as many people did when they first arrived in San Francisco. That was the origin of his idea for the foot sculpture. This is the preliminary stage of design, it is an artist concept. As they make their way to various Commissions, if permission is given, the artist will proceed to develop their designs further in conjunction with input from City staff and urban designers. The Art Commission has been supportive of its concept and believes it would be a popular addition to the waterfront. They think that this artwork will inspire some debate. They think that a lot of people will respond favorably to it and it will be popular.

Commissioner Herman stated that he does not share the same enthusiam. He indicated that artwork relevant to the waterfront should be considered. He asked what a "foot" has to do with this waterfront. He stated that there are other valuable subjects that could be translated into an art sculpture. He does not understand the concept of the "foot." He then inquired if the Commission is expected to approve it today. Ms. Manton replied that if the Commission could approve it in concept, they could proceed to develop a proposal which could be brought back to their Commission. Commissioner Herman stated that he opposes approving the concept because if the Commission is going to spend an elaborate sum of money, it should be something that people can relate to. A foot is not acceptable. Ms. Manton indicated

that she respected Commissioner Herman's comments. The artist made a convincing argument to the Art Commission and different members of City staff and different citizens committee. Commissioner Herman suggested that before the Commission approves it, he would like to see a drawing of the final draft.

Mr. Dramov commented that when he first came to San Francisco, he used to read the poetry that was written on the waterfront by the Longshoremen. He thought it was very interesting that they took such a broad dimension about the environment that they worked in, about what they saw and how they dealt about it. One of the things he found about this piece of artwork is that it has wit. It demands a response. It is less intellectual than a ribbon running down the waterfront. Therefore, it harkens back to that spirit of those who on the waterfront saw a greater dimension than just what you would see in the direct response to the environment. From that standpoint as an urban designer, he agreed with Commissioner Herman that he does not want to see a mediocre sculpture. He thinks that the execution is absolutely critical. He thinks that wit in art is an important dimension to bring out all of our emotions and feelings about a place. It is the foot of Market Street. It is the setting foot, disembarking on the land.

Commissioner Herman indicated that it seems that a piece of art that is approved and placed some place on the waterfront or wherever should have some relevancy to its location and to the history of that location. Mr. Dramov stated that the location that's being discussed is right by the tile stair, as if someone came out of the water and on the land through the tile stair. It is ascending into the land from the water. To him, there is a relevance of the idea of setting foot on the land. We came here, we disembark and that's what the artist is trying to convey. He agreed that the Commission should review the final execution of the sculpture, in terms of the quality and setting worthy of the waterfront. The metaphor, however, is an appropriate one to the waterfront.

Commissioner Herman indicated that you could apply that metaphor generally. He would like something that is unique to this waterfront. A piece of art should touch each of us or as many of us. There shouldn't be wild speculation, there shouldn't be ridicule. Too much of the art approved by municipal and other governments escapes the average person. He does not see how the "foot" does it. It sounds good that it's a sign of the beginning of somebody walking up the Embarcadero but that's not going to be translated to the average citizen. An artist have to leave their lofty perch when they are doing something for a total community and reach out for that community and produce something that at least even if you have to stretch a little bit but that it ultimately communicates a message that has to do with the community.

Mr. Dramov concurred and indicated that many municipal art lacks those qualities that the Commissioner speaks of. In his opinion, this is one, however, that will be understood by more people. Commissioner Herman indicated that he respects Mr. Dramov's opinion and respects the judgment of the Art Commission but he fails completely to find that it is appropriate for this waterfront.

Commissioner McCarthy inquired about the composition of the "foot." Ms. Manton responded that the actual stone has not been identified. It would probably be a colored stone, like an earth-colored or tan-colored stone. It wouldn't be black or white marble. In order for them to proceed, they have to gain an indication of interest from the Port Commission, BCDC and the Board of Supervisors. Once they receive a preliminary approval or an indication of interest, they can enter into a design development contract with the artist and obtain more specific information about the stone and the final drawing. Commissioner McCarthy asked about the height of the foot and its position. Ms. Manton replied that it is approximately 18 feet and the foot is going to be more or less in a "stepping down" position. This is also still under consideration.

Commissioner Hardeman indicated that it is witty and it is going to be eye-catching. He thinks that the art is not serious. He thinks that Commissioner Herman is looking at something more serious. The artwork is sort of clever and he believes that it is an attention-getter. He thinks that it does not in any way downplays the significance of anything that ever happened on the waterfront but it shows San Franciscan's laissez faire attitude. He indicated that the Commission should support Commissioner Herman through a motion that the final draft of the art is brought back to the Commission and also give the new Commissioner a chance to comment.

Commissioner Herman indicated that if the Commission is to approve, preliminarily or otherwise, a piece of sculpture that will be before the Commission as a fait accompli, we need something other than what is going to be established. Ms. Manton stated that she's proposing that there be an interim step before the fait accompli. She proposed that if the Commission indicate its preliminary approval to consider this artwork, she would be able to obtain the funding to have a design contract with the artist and come back with a final proposal, not a finished project. It would still be subject to Port approval. Commissioner McCarthy inquired if the Art Commission would have to spend serious money to get to the next stage. Ms. Manton indicated that they would have to spend some money; however, she does not have the exact figure. She does not think it would be a substantial investment for the City to pay the artist to do a model and to obtain the samples of the stone to be used. They are currently working with the Conservatory to evaluate and determine what type of stone they will use. With a relatively modest investment, they could get to the next stage and come back to the Port Commission and show them a more specific and more developed concept.

Tom Flowers indicated that his background includes City management, City Planning, transportation engineering and has been a Golden Gateway Center resident for 26 years and has been active and attended most of the meetings of the Citizens Advisory Committee having to do with the Mid-Embarcadero roadway project. He indicated that the plan, as stated now, is defective in two major ways. He hopes that with the Commission's wisdom and concern with regard to the Ferry Building and Port activities, the Commission will reconsider the following matters: (1) the southbound lane of the Embarcadero freeway should be moved westerly to widen the proposed plaza area from approximately 130 ft. wide to about 180 ft. wide. (2) the reopening

of Market Street to come into the southbound plaza should be reconsidered. He attended the Board of Supervisors committee meetings and an issue was raised whether there would be a curve roadway or the split roadway. At the end of the meeting, despite the fact that Mr. DeMars and Maletic had ideas of a grander plaza, it was not addressed by the Board of Supervisors. He claimed that the Planners and their consultants established self-imposed parameters which limited considerations. They did not want to move existing boundary lines. His concept of planning is to figure out what is the best plan and then figure out how to finance it and how to obtain governmental approvals. He was disappointed with various staff members and their consultants. He has talked to Mr. Dramov about the issues but have not been able to make a dent. If somebody does not make a dent pretty soon, it is going to be in place and it's not going to be changed, particularly the location of the southbound Embarcadero freeway. He hoped that the Commission will establish a leadership role and reconsider these matters before it's too late.

Commissioner Lee inquired about Mr. Flowers' comment regarding the southbound lane. Mr. Flowers indicated that the southbound lane is not proposed to be curved next to the existing Justin Herman Plaza. An alternative program would be to move that westerly, as far as 50 feet, so that there would be a larger plaza in the center, which would be advantageous. It would involve restructuring some ownership, which is easily doable.

Mr. Vernon DeMars, architect and planner, indicated that he has been a member of the Citizens Advisory Committee on the Embarcadero project since the Loma Prieta earthquake. The group had a prime role in getting the elevated freeway removed as well as an articulating vision of what should replace it. This vision from the very beginning included splitting the roadway in front of the Ferry Building since removal of the freeway structure. It has functioned smoothly as far as moving traffic is concerned. Attempts to pair the roadway were rejected by the Board of Supervisors. The split roadway now defines the official and unofficial alternatives for this area. There is general agreement that the space between the roadways is the proper site for a grand plaza for the Ferry Building. It must also serve as a major transportation exchange as well as be friendly to a range of pedestrian activities, some active and passive. Professionals are almost unanimous in their conclusion that to achieve this the process is to extend no more than 50 feet west along the roadway where Market Street now adjoins the Embarcadero. He thinks that there might be some misconception that the whole roadway would move 50 feet west. He mentioned that both Willis Polk, the famous architect who was involved in the actual design of the Ferry Building and Daniel Burnham, the planner of Chicago's lakefront, was brought to San Francisco in 1906 to do a design plan of the City - a semi-circular plaza in front of the Ferry Building. He thought that it's only for a short distance, scarcely more than a width of Market Street itself where the projection crosses the line. This particular line is simply between what was once State property and the City's property. The City owns both sides. The only perceived restraint of this move is the existence of a property line that once separated the City from the Port. There is a relatively simple procedure involving a willingness to swap property on both sides of this line. This can be achieved without significant delay or additional cost. He

believed that this is the most important consideration before the Commission at this time. The location of this roadway will be with us for the next hundred years. A way must be found to reconsider its implication before it is built.

Commissioner McCarthy inquired about Mr. DeMars understanding of the constraints. Mr. DeMars replied that their understanding of the constraint is a Congressional issue called Section 4F.

Commissioner Hardeman thanked Mr. DeMars and indicated that his sincerity as well as his efforts are quite obvious.

Mr. Charles Pick, San Francisco Architect, indicated that he haseen involved with the Embarcadero Planning process for six years. He believed that the City need a truly grand plaza in front of the Ferry Building. He was delighted that design is progressing but a very serious issue has arised i.e. settling for a plaza that does not create a grand impact and a grand design vision that so many people share. In light of the fact that there is opportunity to accomplish that vision with just a series of ordinary governmental proceedings, they feel that it is time for the Port, Parks & Rec Department to accomplish this land swap. As Mr. DeMars has stated, various legal opinions have been given, people in high places with understanding of these processes have in fact confirmed that the land swap would be possible. He asked for the Commission to take a leadership position in studying this issue. In the package handed out to the Commission, they have outlined the seven steps by governmental agencies required to accomplish the land swap. They believed that this is a straight-forward jurisdictional procedure and in so doing, it would enhance the value and the usefulness of the lands managed by Parks and Rec and the Port. They believe that the design of the plaza in a wider space justifies the minimal extra governmental procedure and Section 4F requires. He urged the Commission to find some room in the resolution to include an opportunity to do this.

Mr. Carl Maletic, architect & planner, showed a drawing comparing their proposal and DPW's. He pointed out some of the things that are not currently in the plan. He referred to page 2 of the memorandum to the Commissioners, which states... "the stepped promenade will serve as bleachers during special events, and on a daily basis provide an elevated vantage point for pedestrians with views to the plaza and Ferry Building." He indicated that they see this as views to the rush of three lanes of exhaust belching automobiles. With regard to the north Justin Herman Plaza, they proposed leaving the Justin Herman Plaza as it is with the current barrier. With regard to the south Justin Herman Plaza, they proposed leaving it as is with a slight removal of approximately a quarter acre of land in order for the roadway to impede over the jurisdiction line between the Port and the City. From the photographs, the trees were added later to bring a scale and proportion to the DPW scheme. They felt that 200 by 400 was the right proportion for the City. The planners and consultants brought the trees in to make it a "park like" character. He stated that this is not a park, it is an open plaza for large events. The trees will impede people in the holding of large events. He claimed that his was a last minute effort to bring the proper proportions to the plaza. They feel that those trees should be left out of the plaza. They believed

that the cost of the light cannons may double. They proposed two simple open fountains similar to many fountains around the world and in the City. He emphasized that the southbound roadway could be changed and accomplished within 60 days, without delay.

Commissioner McCarthy inquired about the size and shape of the plaza and the legality issues. Mr. Paul Osmundson, Director of Planning and Development replied that the decision about the alignment of the southbound roadway was made based on a number of factors including the previously mentioned Section 4F which is a requirement for federal projects having to do with using parklands. He mentioned that Mr. Boris Dramov is available to discuss the shape of the plaza. He also mentioned that Legal Counsel Neil Sekhri has reviewed the Section 4F issue. He then asked Dan Hodapp to discuss the issue in depth.

Mr. Hodapp indicated that there were a variety of alternatives reviewed for the alignment. Each alternative has different advantages and disadvantages. This is the solution that was chosen based on years of public debate and public participation. The resolution before the Commission today relies on previous Port Commission resolutions. Following these decisions, the project proceeded with final environmental review, preliminary and project design and is now about ready to bid. It is bidding based on a funding deadline. Reopening the alignment issues would then turn the project around. It would very likely jeopardize project funding. It would jeopardize having the project being built at all based on the funding requirements.

Commissioner McCarthy indicated that she was aware of the many public debates but she supports the alternative wherein the roadway should be sunk. Mr. Hodapp mentioned that the final design reflects the way the plaza is laid out. It reflects the fact that it is between roadways and the design was changed to make it more of a forecourt and a walking-through-type plaza. It also has flexibilities as to when you can close off certain lanes to connect to the City side or to the Ferry Building.

Ms. Ernestine Weiss, resident of the Golden Gateway Center, indicated that this project could have been done in a better way for the future. This project should have been done underground and this is not the best design available. The trees overwhelm the plaza. She thought that DeMars and Maletic's design is a far superior plan. She believed that the roadway should have been extended 50 feet as it would have been a safer crossing. She believed that Market Street should be opened up. She commented that the big foot sculpture is ugly. There should be a better art program appropriate to the Port.

Ms. Barbara Moy, Project Manager for the Waterfront Projects, indicated that she has worked on this project before the earthquake. Decisions have to be made about what will be done with the waterfront now that the freeway is gone. There have been a lot of concepts that she would have liked better and there are a lot of things that were aesthetically pleasing. The debate that has occurred in hundreds of public meetings and numerous Commissions meetings was balancing several things, balancing the needs of the Port, its residents, the roadway and transit needs. All of those things

combined gave them a solution. They have looked at Maletic and DeMars proposal and other proposals as well but they did not work for them. Taken all of those things in consideration, they think this is the best solution that they can provide.

Commissioner McCarthy asked why the other proposals did not work. Ms. Moy replied that there are several constraints the way the roadway works. A wider plaza means infringing on the parkland that is west of this plaza, which means we lose open space on the other side of the Embarcadero roadway. There are tradeoffs where you want your open space. Open space also has been provided to Rincon Park. They have to consider where they provide the open space and who they are trying to serve.

Mr. DeMars indicated that the issue of underpass was raised. Originally, this whole concept was based on an underpass in front of the Ferry Building. When it became evident, after the structure was torn down, all the ramps leading to the bridge have been removed. It was considered not necessary to have the underpass. Their scheme had many other elements on it that were based on the underpass. Commissioner Hardeman interjected that everyone is familiar with their plan.

Mr. Flowers stated that there were six or seven years debates of many issues, the only time the width and shape of this proposed plaza came up was before the Housing & Land Use Committee. That was the time when they first unanimously decided on the split roadway. Mr. DeMars and Maletic's plan was before them at that time. He mentioned that it was obvious from Ms. Moy's comments that planners and their consultants sat down and did what they wanted to do. If there's any public or official support for either side it is because the Board of Supervisors Housing & Land Use Committee approved the split roadway that was before them at that time.

Commissioner Hardeman suggested the following amendment to the first resolved of the resolution, after the word Appendix A add, "with the exception of the foot sculpture. The San Francisco Art Commission shall submit an exact model in final design (using scale) of the sculpture, sample of material and exact location of the foot. After review, the San Francisco Port Commission will give final approval."

Commissioner Herman indicated that Commissioner Hardeman alluded to final approval by the Port Commission and it does not presuppose that there is going to be final approval. Commissioner Hardeman indicated that the Commission will give tentative approval now and final approval will take place upon a presentation to the Commission. Commissioner Herman stated that he would rather not say the Commission is giving tentative approval. Commissioner Hardeman stated that the Commission is giving tentative approval to bring back a model. Commissioner McCarthy suggested to instruct the Art Commission to bring back a more complete concept for the Commission's approval. Legal Counsel Julie Van Nostern indicated that is included in Commissioner Hardeman's suggested language. The resolution as currently presented, without Commissioner Hardeman's suggested modification, was the Commission would have been approving the final design which would have included this particular art sculpture. Commissioner Hardeman's suggested modification is that the final design with the exception of the foot sculpture is

approved. The foot sculpture has to come back for final review and approval. It is not a tentative approval, the suggested modification states that the Commission is not approving the final design for the foot sculpture. The Art Commission must bring back the rendition for the Port Commission's review and final approval.

Commissioner Hardeman read the following modification. He suggested adding the following to the first resolved of the resolution, after the word Appendix A, "with the exception of the foot sculpture. The San Francisco Art Commission shall submit an exact model in final design (using scale) of the sculpture, sample of material and exact location of the foot. After review, the San Francisco Port Commission shall consider giving final approval."

Commissioner McCarthy stated that she was considering another amendment. For clarification, Julie Van Nostern indicated that there has been no resolution that had been approved previously. The Commission has complete discretion to direct or make changes prior to the approval of what was presented. The Commission can dictate a different resolution if the Commission wants a separate resolution or if they want to modify the approved modified Resolution No. 97-68.

ACTION: Commissioner Lee moved approval of the resolution, as modified; Commissioner McCarthy seconded the motion. All of the Commissioners were in favor; the resolution was adopted.

8. FINANCE AND ADMINISTRATION

9. CONSENT CALENDAR

10. NEW BUSINESS / PUBLIC COMMENT

Mr. Bob Tibbits circulated an article from the Examiner regarding "Poisons in the Bay." He hoped that the Commission could find a way to adopt a resolution supporting it i.e. renewal of the bay protection plan.

Mr. Tibbits followed up on in his April 12 letter to the executive director, recommending that after three years, the Port should renew John Jenkel's horse drawn carriage operation lease at Fisherman's Wharf. It now appears that a superior court judge has ordered that the original Request for Proposals (RFP) was in fault so that the procedure could be that the Port could now ask for new RFPs or since no one will qualify under the original requirements, to simply award the carriage operation to John Jenkel.

Mr. Tibbits commented on the concept agreement that was organized by Mr. Bouey with Save San Francisco Bay and BCDC. A language was written by Port staff presented to the Commission in March which states, "revenues from new development would help build new public plazas. The Port will contribute 25% of the revenues from all new developments to the public access plan to help build two new public plazas, the Brannan Street Wharf and Wharf 25. A third open space at the Fisherman's Wharf triangle will be financed from adjacent development." He indicated BCDC lost its staff person and will

probably delay the process of incorporating this in the final approvals with respect to the amendments of the existing San Francisco Bay Plan and the existing special area plan. He encouraged the Commission to take upon themselves to establish this plan. He asked the Port to take a strong position on this important issue to make absolutely clear what's involved in the 25% revenues and what projects are going to be or not to be included and define when it will take effect.

Executive Director Wong indicated that staff is working on this plan and will keep the Commission abreast of the status.

Commissioner McCarthy stated that on the June 24 meeting, she requested that staff report back on this matter. She asked about the timing and the parameters of the plan. She also inquired about the status of special area plan at Piers 15 and 29. Mr. Osmundson replied that Mr. Tibbits is correct in that the BCDC staff assigned to this project has taken another position. With regard to the timing of the proposed amendments to the Bay Plan and Special Area Plan of BCDC where the concept agreement would be implemented, staff expects that to happen by the end of next year. Staff is drafting the amendments pursuant to the concept agreement. As far as establishing the fund ahead of time, the concept agreement lays out a series of modifications to BCDC's rules and regulations that allow the Port to do some things it cannot do under the current regulatory framework but in exchange it gives BCDC the commitment that there will, in fact, be funds set aside for open space. In going from the concept agreement to the actual language in the plans that specify how, what and when these things happen, those negotiations are ongoing. Staff is working on the details. The concept agreement basically gives the Port and BCDC the ability to do some things that it currently does not have. Staff will present to the Commission some planning code amendments in relation to the Waterfront Plan at its next meeting. Staff is delaying going to the Planning Commission until staff has the opportunity to have some detailed negotiations with BCDC. Staff will have draft plan amendments to submit to BCDC in September.

Commissioner McCarthy asked if staff can present a report to the Commission in October. Mr. Osmundson replied that staff will brief the Commission on the planning code amendments at its next meeting. Mr. Osmundson indicated that the Port without any concept agreement, under the existing BCDC plans, has raised nearly $25 million for open space projects along the waterfront in the last twenty years. The Port spent $5 million tearing out the piers to build the Embarcadero promenade. Staff raised $7.5 million to build Pier 7. Staff has worked with the Waterfront Transportation Projects office toThe Port will build a $15 million ferry terminal project, all with outside capital funds. It has a couple acres of additional public access. In terms of the Port's commitment to implementing the City and BCDC's plan as it relates to open space, staff believes that it has a good track record. Establishing an open space fund until we have a firm commitment would not be appropriate at this time but that is a decision that the Port Commission should make.

Mr. Jeff Sears, Waterfront Carriage Service, made the Commission aware that their horsedrawn carriage operation is doing fine and thanked the Port for giving them the opportunity in the RFP process. He emphasized that their operation is much stronger

now. He offered to talk to Mr. Tibbits address his concerns. He assured the Commission that they are running a safe operation and have not had any problems.

Commissioner McCarthy asked about Mr. Tibbits comments with regard to the superior court judge's decision. Legal Counsel Julie Van Nostern indicated that this matter is currently under litigation and as a policy of the Port Commission, litigation matters are not discussed in open session.

11. EXECUTIVE SESSION

At 6:13 p.m., the Commission Secretary announced that the Commission will withdraw to executive session to discuss the following matter:

A. CONFERENCE WITH LEGAL COUNSEL REGARDING EXISTING LITIGATION MATTER:

1) Republic Insurance Company, et.al. v. CCSF; CCSF v. Somerset Insurance Services, formally West Coast Marine Managers, Inc., et.al.
U.S. District Court No. C94-2627 FMS

Discussion of this matter is specifically authorized under California Government Code Section 54956.8.

B. Vote in open session on whether to disclose Executive Session discussions (S.F. Admin. Code Sec. 67.14)

At 6:30 p.m., Commissioners Hardeman, McCarthy, Lee and Herman returned from the executive session and convened in public session.

ACTION: Commissioner McCarthy moved approval to not disclose any information discussed in the executive session. Commissioner Herman moved approval. All of the Commissioners were in favor.

The meeting was adjourned at 6:32 p.m.

Monroads
Commission Secretary

NOTICE OF CANCELLATION

THE REGULAR PORT COMMISSION MEETING SCHEDULED FOR
TUESDAY, AUGUST 26, 1997 AT 4:00 P.M.
IS HEREBY CANCELLED

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THE NEXT REGULAR PORT COMMISSION MEETING
IS SCHEDULED FOR

TUESDAY, SEPTEMBER 9, 1997 AT 4:00 P.M.

in the Port Commission Room
Suite 3100, Ferry Building
San Francisco, CA 94111
(415) 274-0406

DISABILITY ACCESS

The Port Commission office is located on the third floor of the Ferry Building, Suite 3100. The Port office is wheelchair accessible. Accessible seating for persons with disabilities (including those using wheelchairs) will be available. The closest accessible BART station is Embarcadero Station located at Market and Steuart Streets. The closest accessible MUNI Metro station is Embarcadero station located at Market and Spear Streets. Accessible MUNI lines serving the Ferry Building are the 9, 31, 32 and 71. For more information about MUNI accessible services, call 923-6142.

There is accessible parking at the Ferry Building and at the public lot in the Embarcadero median in front of the Ferry Building. Assistive listening devices are available for use in the Port Commission Meeting.

The following services are available on request 72 hours prior to the meeting. Please contact Kevin Jensen at (415) 274-0555. Late requests will be honored if possible.

- American Sign Language Interpreters
- A Sound Enhancement System
- Large Print of the Agenda
- The use of a reader during the meeting
- Minutes of the Meeting in Alternative Formats

In order to assist the City's efforts to accommodate persons with severe allergies, environmental illnesses, multiple chemical sensitivity or related disabilities, attendees at public meetings are reminded that other attendees may be sensitive to various chemical-based products. Please help the City accommodate these individuals.

Know Your Rights Under the Sunshine Ordinance

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review. For more information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact the Sunshine Ordinance Task Force at 554-4851.

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REGULAR MEETING
4:00 P.M., SEPTEMBER 9, 1997
FERRY BUILDING, SUITE 3100
SAN FRANCISCO, CALIFORNIA

AGENDA

1. **ROLL CALL**

2. **APPROVAL OF MINUTES** - August 12, 1997 Regular Meeting

3. **EXECUTIVE**

   A. Executive Director's Report

4. **EXECUTIVE SESSION**

   A. CONFERENCE WITH REAL PROPERTY NEGOTIATOR - ***This session is closed to any non-City/Port representative.****

   Property: Port property located at Seawall Lot 337
   Person Negotiating:
   Port of San Francisco Representative: Douglas F. Wong, Executive Director
   *CBBC Representative: Jack Bair

   An executive session has been calendared to discuss real property negotiations between the Port of San Francisco and China Basin Ballpark Company ("CBBC"), regarding Seawall Lot 337. This is specifically authorized under California Government Code Section 54956.8

   B. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION

      1) Discuss significant exposure to litigation pursuant to subdivision (b) of California Government Code Section 54956.9 (1 case).

5. **MARITIME**

6. **REAL ESTATE AND ASSET MANAGEMENT**

   A. Approval of CEQA findings and lease with the China Basin Ballpark Company, LLC ("CBBC") for property located at Seawall Lot 337, for purposes of parking related to the ballpark for the San Francisco Giants to be built at China Basin. (Resolution No. 97-78)

7. FACILITIES & OPERATIONS

A. Approval of an application to the State Resources Agency for funding to implement the Pier 98 Wetlands Enhancement and Public Access Project. (Resolution No. 97-76)

8. PLANNING & DEVELOPMENT

A. Approval of The Barbary Coast Trail Sidewalk Plaque Program within Port jurisdiction. (Resolution No. 97-77)

9. FINANCE AND ADMINISTRATION

10. CONSENT CALENDAR

11. NEW BUSINESS / PUBLIC COMMENT

Public comment is permitted on any matter within Port jurisdiction, and is not limited to agenda items. Public comment on non-agenda items may be raised during New Business/Public Comment. Please fill out a speaker card and hand it to the Commission Secretary. If you have any questions regarding the agenda, please contact the Commission Secretary at 274-0406.

12. ADJOURNMENT

PORT OF SAN FRANCISCO

Ferry Building
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Writer

MEMORANDUM

September 4, 1997

TO: MEMBERS, PORT COMMISSION
Hon. Michael Hardeman, President
Hon. Denise McCarthy, Vice President
Hon. Frankie G. Lee
Hon. James Herman
Hon. Kimberly Brandon

FROM: Douglas F. Wong
Executive Director

SUBJECT: Approval of CEQA findings and lease with China Basin Ballpark Company LLC for property located at Seawall Lot 337, for purposes of parking related to the ballpark for the San Francisco Giants to be built at China Basin

DIRECTOR'S RECOMMENDATION: APPROVE RESOLUTION.

In March of 1996, the voters of the City and County of San Francisco approved Proposition B which authorized a proposed development on Port property for a new ballpark on an approximately 12.5 acre site in China Basin. On July 16, 1997, pursuant to the California Environmental Quality Act, California Public Resources Code Section 21000 et seq. ("CEQA"), the Port Commission adopted certain findings related to the Final Environmental Impact Report ("FEIR") for the ballpark project. On July 22, 1997, the Port Commission also unanimously approved a series of documents to allow the development of the ballpark, consisting of a Lease Disposition and Development Agreement, a Ground Lease, a Non-Relocation Agreement and Guaranty, and a Purchase and Sale Agreement with Caltrans. On July 28, 1997, the Board of Supervisors also adopted CEQA findings and approved the ballpark documents.

The Project approved by the Port and the Board contemplates a parking component of approximately 5,000 off-site dedicated interim ballpark parking spaces to be located south of the China Basin Channel on property owned by the Port of San Francisco and Catellus Development Corporation. The off-site parking is analyzed in the FEIR.

THIS PRINT COVERS CALENDAR ITEM NO. 6A

In order to facilitate the ballpark project, Port staff has negotiated a ten-year ground lease for Seawall Lot 337, for surface parking related to ballpark use. You are being asked to approve the ground lease for the parking lot at Seawall Lot 337, and to make certain CEQA findings related to the project. Because the early commencement date could result in a term of slightly more than 10 years, the lease must also be approved by the Board of Supervisors under Charter Section 2.110.

The Zoning Administrator has issued a letter authorizing the temporary use of Seawall Lot 337 (Assessor's Block 3880, Lot 1) for off-street parking facilities to serve the ballpark and its related uses, for a term not to exceed ten years from the beginning date of their operation as parking lots. The proposed lease is consistent with the Port Waterfront Land Use Plan, and the public trust under the Burton Act.

The significant terms of the proposed lease are set forth below. Except for the terms set forth below, the proposed lease is substantially similar to the Port Commission's approved standard form of lease.

Premises: Seawall Lot 337, generally bounded by Terry A. Francois Blvd., Mission Rock Street, and Third Street.

Term:

The term will commence on the date that (i) the parking improvements have been completed, and (ii) the ballpark has been completed and is first open to the public for a baseball game or other event. If the Port grants consent to other uses other than ballpark parking, then the commencement date will occur on the date that the parking improvements have been completed.

Tenant has a right to early commencement to construct the parking improvements by giving the Port 12 months' prior written notice.

The Lease will terminate if Tenant has failed to give an early commencement notice on or before July 1, 1998, or if Tenant has not completed the parking improvements by March 31, 2002. Further, the Port may terminate the Lease at any time if the ballpark ground lease terminates, or if Tenant fails to take delivery of the ballpark site under the DDA.

The lease term will terminate on November 15 of the year which is nine years after the Commencement Date.

Base Rent: Monthly Base Rent during the early occupancy period will be an amount equal to the monthly rent Port is collecting from its existing tenants on the Premises at the time Tenant sends Port the early occupancy notice, not to exceed $101,554 per month. Base

Rent commencing on the Commencement Date (i.e., after completion of the parking improvements and opening of the ballpark) will be $101,554 per month.

Hazardous Materials/Rent Credits: Tenant is responsible for investigation and remediation requirements for development of the parking improvements. Tenant will be allowed a rent credit against monthly Base Rent up to a maximum amount to be determined, for costs actually incurred to investigate, manage or otherwise remediate any pre-existing hazardous materials. The Port will have a right of approval over Tenant's hazardous material investigation and remediation plan, and those costs eligible for the Rent Credit.

Percentage Rent: Tenant will pay Port on a monthly basis 50% of all Net Operating Revenues generated from the premises per year. "Net Operating Revenues" means all amounts generated from operations at the premises, less taxes, maintenance, operating expenses, fees paid to a parking operator, and capital improvement expenses (not including items for which Tenant receives a rent credit).

Insurance: Insurance shall be in such form and amounts as is approved by the City's Risk Manager.

Security Deposit: 2 months' base rent.

Permitted Use: Surface parking lot for bicycles and motor vehicles for baseball games and special events at, and any other permitted use of, the ballpark and/or the operation, maintenance, repair or improvement of the ballpark.

Access: Because Terry Francois Blvd. and Mission Rock Street are not dedicated public streets, the Port Commission also grants a license to CBBC for the term of the Lease, to provide access to the premises.

Alterations and Improvements: Tenant is not required to remove the parking improvements from the premises at the end of the term. Port has the right to require Tenant to remove any additional improvements placed on the Premises.

Indemnity: The indemnity is modified from the Port's standard lease, in that it does not require the Tenant to indemnify Port for damages arising out of Port's own passive or active negligence. The proposed indemnity is substantially similar to the indemnity for the ballpark ground lease.

City Requirements: The lease includes all applicable City requirements, including non-discrimination and equal benefits, and pesticide ordinance.

Leasehold Mortgages: The lease includes detailed provisions allowing Tenant to mortgage its leasehold interest. The provision is substantially similar to the provision in the ballpark ground lease.

Construction of Parking Improvements/Port Commission Approval of Design: Prior to construction, Tenant is required to submit design and construction documents to the Port for its approval. The Port Commission will have the opportunity to review and approve the design of the parking lot. Other detailed construction documents are subject to review and approval by the Port's Executive Director and Port staff. Failure to construct the parking improvements according to the Schedule for Performance attached to the Lease is a material default under the Lease. Tenant is required at its expense to demolish all existing improvements necessary to construct the parking lot.

Parking Operator: Port has the right to approve any parking operator for the premises and any operating agreement between CBBC and the operator. Port also has the right to approve the operating budget each year.

Program in Diversity. Tenant agrees to implement a Program in Diversity with respect to construction of the improvements and hiring of employees operating the premises.

Prevailing Wages: Tenant agrees to pay, or cause to be paid, prevailing wages with respect to construction of the improvements and hiring of employees operating the premises.

Compliance with Laws/Mitigation Measures: Tenant is required to comply with all applicable laws, including Port policies, and mitigation and improvement measures adopted by the Port in its CEQA findings. These measures include the following:

(i) Design parking area lighting to minimize off-site glare;

(ii) Implement trash collection and litter control measures on and adjacent to the parking lot; and

(iii) Design and construct drainage improvements such that no storm water runoff would directly enter China Basin Channel or the Bay without treatment. Drainage improvements would convey collected rainwater to City sewers for treatment at the Southeast Water Pollution Control Plant. If storm water inlets are provided at the parking areas, install oil/water separators at each inlet.

Prepared by: Douglas F. Wong, Executive Director

PORT COMMISSION
CITY AND COUNTY OF SAN FRANCISCO

RESOLUTION NO. 97-78

WHEREAS, On March 26, 1996, the voters of the City and County approved Proposition B, which made certain changes to the City's zoning laws to allow a new ballpark to be developed privately at China Basin on a site bounded generally by King Street, Second Street, China Basin Channel and Third Street; and,

WHEREAS, China Basin Ballpark Company LLC ("CBBC") is a limited liability company, which the owners of the San Francisco Giants baseball team have organized to lease the China Basin site and develop and operate the new ballpark and related improvements; and,

WHEREAS, On July 16, 1997, the Port Commission, by Resolution No. 97-53 adopted CEQA findings related to the ballpark project, and by Resolution Nos. 97-54, 97-55, 97-56, 97-57 and 97-58, approved a Lease Disposition and Development Agreement, a Ground Lease, and a Non-Relocation Agreement and Guaranty, all with CBBC, and a Purchase and Sale Agreement with Caltrans (collectively, "Transaction Documents") to allow development of the ballpark project at the China Basin location; and,

WHEREAS, On July 28, 1997, he San Francisco Board of Supervisors, by Resolution Nos. 701-97, 702-97, 703-97, 704-97 and 705-97, approved the Transaction Documents; and

WHEREAS, the ballpark project contemplates the provision of approximately 5,000 off-site interim parking spaces for ballpark games and special events at the ballpark; and

WHEREAS, CBBC desires to lease Port property located at Seawall Lot 337, generally bounded by Terry A. Francois Blvd., Mission Rock Street, and Third Street (the "Premises"), to provide surface parking for the ballpark, and to pay the Port fair market rent therefor; and,

WHEREAS, A copy of the proposed ground lease between the Port, as landlord, and CBBC, as tenant, for the parking use of the Premises is on file with the Commission Secretary in File No. 97-78 (the "Parking Lease"); and

WHEREAS, The Executive Director of the Port (the "Executive Director") has determined that the compensation to the City under the proposed Parking Lease represents fair market rent for the Premises; and

WHEREAS, All of the land comprising the Premises which is the subject of the proposed Parking Lease, is under the jurisdiction of the City's Port Commission; and,

WHEREAS, On June 26, 1997, the City Planning Commission, by Resolution No. 14398, and the Redevelopment Agency Commission, by Resolution No. 97-97, certified the Final Environmental Impact Report for the ballpark project ("FEIR") as accurate, adequate and objective and in compliance with the California Environmental Quality Act ("CEQA") and the CEQA Guidelines; and,

WHEREAS, This Port Commission has reviewed and considered the information contained in the FEIR; and,

WHEREAS, In Attachment A to Resolution No. 97-53, adopted by the Port Commission on July 16, 1997, the Port Commission found that the ballpark project proposes approximately 5,000 off-site dedicated interim ballpark parking spaces located south of the China Basin Channel on property owned by the Port and Catellus Development Corporation, and that the proposed parking is analyzed in the FEIR; and

WHEREAS, For purposes of compliance with CEQA, the Parking Lease is part of the ballpark project for which the Port Commission, by Resolution No. 97-53, has adopted findings with respect to the FEIR as required by CEQA, which findings are on file with the Port Commission Secretary for File No. 97-53, which findings are incorporated herein by this reference as though such findings were fully set forth in this resolution; and,

WHEREAS, The Port Commission, by Resolution No. 97-54 and for the reasons set forth therein, has found that the Transaction Documents approving the ballpark project are in accordance with the public trust for commerce, navigation and fisheries, including, without limitation, the statutory trust imposed by the Burton Act and the terms of the Burton Act, and may be lawfully entered into; and

WHEREAS, the State Lands Commission has concurred that the Transaction Documents are lawfully entered into; and

WHEREAS, the Lease for Seawall Lot 337 is specifically to be used for, and appurtenant to, the operation of the ballpark project, and, for the reasons set forth in Port Commission Resolution No. 97-54, is therefore in accordance with the public trust and the Burton Act trust; now, therefore, be it

RESOLVED, that based upon the Port Commission's review of the FEIR, the Port Commission hereby finds that : (1) modifications incorporated into the

Project and reflected in the Parking Lease will not require important revisions to the FEIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; (2) no substantial changes have occurred with respect to the circumstances under which the Project or the Parking Lease are undertaken which would require major revisions to the FEIR due to the involvement of new significant environmental effects, or a substantial increase in the severity of effects identified in the FEIR; and (3) no new information of substantial importance to the Project or the Parking Lease has become available which would indicate: (a) the Project or the Parking Lease will have significant effects not discussed in the FEIR; (b) significant environmental effects will be substantially more severe; (c) mitigation measures or alternatives found not feasible which would reduce one or more significant effects have become feasible ; or (d) mitigation measures or alternatives which are considerably different from those in the FEIR would substantially reduce one or more significant effects on the environment; and, be it further;

RESOLVED, that by Port Commission Resolution No. 97-53, the Port Commission has reviewed and considered the FEIR and has adopted the Port Ballpark Findings, attached thereto as Attachment A, including its Exhibits 1 and 2, and that the Port Commission hereby adopts those findings with respect to the Parking Lease approval, and incorporates the Port Ballpark Findings herein by this reference; and, be it further

RESOLVED, the Lease for Seawall Lot 337 is specifically required for, and appurtenant to the operation of the ballpark project, and, for the reasons set forth in Port Commission Resolution No. 97-54 which is incorporated herein by this reference, is therefore in accordance with the public trust and the Burton Act trust; and, be it further

RESOLVED, that the Port Commission hereby approves the form and substance of the Parking Lease upon the terms and conditions set forth in the Memorandum to Port Commissioners, dated September 3, 1997, for this item, a copy of which is on file with the Port Commission Secretary for File No. 97-78 and, be it further

RESOLVED, that subject to Board of Supervisors approval, the Port Commission authorizes and directs the Executive Director to execute the Parking Lease on substantially the same terms and conditions, a copy of which is on file with the Commission Secretary; and be it further

RESOLVED, that the Port Commission authorizes the Executive Director to enter into any additions, amendments or other modifications to the Parking Lease (including, without limitation, the exhibits) that the Executive Director

determines, in consultation with the City Attorney, are in the best interests of the Port, do not decrease the rent or otherwise materially increase the obligations or liabilities of the Port, and are necessary or advisable to complete the transaction contemplated in the Parking Lease and this resolution, such determination to be conclusively evidenced by the execution and delivery by the Executive Director of the Parking Lease and any amendments thereto; and, be it further

RESOLVED, that the Port Commission authorizes and urges the Executive Director and any other officers, agents or employees of the City to take any and all steps (including, but not limited to, the execution and delivery of any and all certificates, agreements, notices, consents, escrow instructions, closing documents and other instruments or documents) as they or any of them deems necessary or appropriate, in consultation with the City Attorney, in order to consummate the Parking Lease in accordance with this resolution, or to otherwise effectuate the purpose and intent of this resolution, such determination to be conclusively evidenced by the execution and delivery by such person or persons of any such documents; and, be it further

RESOLVED, that the Port Commission recommends approval of the Parking Lease by the Board of Supervisors and authorizes and directs the Executive Director to cause a copy of this Resolution to be delivered to the Clerk of the Board of Supervisors.

I hereby certify that the foregoing resolution was adopted by the Port Commission at its meeting of September 9, 1997.

_____

Secretary

PORT OF SAN FRANCISCO

Ferry Building
San Francisco, CA 94111
Telephone 415 274 0400
Telex 275940 PSF UR
Fax 415 274 0528
Cable SFPORTCOMM
Writer

MEMORANDUM

September 3, 1997

TO: MEMBERS, PORT COMMISSION
Hon. Michael Hardeman, President
Hon. Denise McCarthy, Vice President
Hon. Frankie Lee
Hon. James Herman
Hon. Kimberly Brandon

FROM: Douglas F. Wong
Executive Director

SUBJECT: Approval of an application to the State Resources Agency for funding to implement the Pier 98 Wetlands Enhancement and Public Access Project

DIRECTOR'S RECOMMENDATION: APPROVE THE APPLICATION FOR GRANT FUNDS FROM THE LOCAL AGENCY GRANT PROGRAM - FISCAL YEAR 1998/99 UNDER THE HABITAT CONSERVATION FUND PROGRAM OF THE CALIFORNIA WILDLIFE PROTECTION ACT OF 1990 FOR THE PIER 98 WETLANDS ENHANCEMENT AND PUBLIC ACCESS PROJECT.

The Port proposes to enhance wetland habitat and improve public access at Pier 98 in accordance with a conceptual design adopted by the Port Commission on July 16, 1997. The project will include enhancement of existing wetlands, creation of approximately five acres of new wetland area, and revegetation of upland areas with native plants. Proposed public access improvements include a parking area, an emergency vehicle access gate and pedestrian entry maze, trails to fishing and viewing areas, a picnic area with three tables and barbecues, benches, and educational signs.

The proposed project is currently estimated to cost $1,943,000. The City and County of San Francisco Public Utilities Commission has committed to contribute $1 million toward implementation of the project. Port staff intends to apply to the State Resources Agency, Department of Parks and Recreation, Habitat Conservation Fund for additional funding to implement the project. A resolution adopted by the local government agency proposing to implement the project must be submitted with the grant application.

THIS PRINT COVERS CALENDAR ITEM NO. 7A

Assurances required from the Port as part of the application for grant assistance include:

- The Port is legally authorized to apply for the grant and implement the project.
- The Port will maintain and operate the property rehabilitated in perpetuity or, with approval from the State Resources Agency, may transfer the responsibility to maintain and operate the property in accordance with Section 5919 of the Public Resources Code.
- The Port will use the property only for the purposes of the California Wildlife Protection Act of 1990, except as authorized by a specific act of the Legislature.
- The Port will give the State's authorized representative access to and right to examine all records related to the grant.
- The Port will commence work on the project within a reasonable time after notification from the State that funds have been approved and that the project will be completed with reasonable diligence.
- The Port will comply with all applicable provisions of the California Environmental Quality Act, and any other state, and/or local laws or regulations.

Grants for habitat restoration must be matched by non-State monetary or non-monetary contributions. The PUC's contribution of $1 million will meet the requirement for non-State matching funds. Non-monetary contribution by the Port, including employee labor, volunteer services, facilities, or equipment applied to the project during the grant period, may also be applied as needed.

Prepared by: Carol Bach, Project Manager
Environmental Health & Safety Section

PORT COMMISSION
CITY AND COUNTY OF SAN FRANCISCO
RESOLUTION NO. 97-76

WHEREAS, The people of the State of California have enacted the California Wildlife Protection Act of 1990, which provides funds to the State of California for grants to local agencies to acquire and/or develop facilities for public recreational and fish and wildlife protection purposes; and

WHEREAS, The State Department of Parks and Recreation has been delegated the responsibility for the administration of a portion of the program within the State, setting up necessary procedures governing application by local agencies under the program; and

WHEREAS, Said procedures established by the State Department of Parks and Recreation require the applicant to certify by resolution the approval of applications before submission to the State; and

WHEREAS, The applicant will enter into an agreement with the State of California for acquisition or development of the project; now, therefore, be it

RESOLVED, that the Port Commission hereby:

1. Approves the filing of an application for the Habitat Conservation Fund Grant Program under the California Wildlife Protection Act of 1990 State grant assistance for the above projects; and

2. Certifies that the Port understands the assurances and certification in the application form; and

3. Certifies that the Port has or will have available prior to commencement of any work on the project included in this application, the required match; and will have sufficient funds to operate and maintain the project; and

4. Appoints the Project Manager as agent of the Port Commission to conduct all negotiations, execute and submit all documents, including but not limited to applications, agreements, amendments, payment requests and so on, which may be necessary for completion of the aforementioned project.

I hereby certify that the foregoing resolution was adopted by the San Francisco Port Commission at its meeting of September 9, 1997.

_____
Secretary

PORT OF SAN FRANCISCO

Ferry Building
San Francisco, CA 94111
Telephone 415 274 0400
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Fax 415 274 0528
Cable SFPORTCOMM
Writer

MEMORANDUM

September 9, 1997

TO: MEMBERS, PORT COMMISSION
Hon. Michael Hardeman, President
Hon. Denise McCarthy, Vice President
Hon. James Herman
Hon. Frankie G. Lee
Hon. Kimberly Brandon

FROM: Doug Wong, Executive Director

SUBJECT: **The Barbary Coast Trail Sidewalk Plaques within Port Jurisdiction**

DIRECTOR'S RECOMMENDATION: ADOPT THE ATTACHED RESOLUTION AND MOU

Background:

The Barbary Coast Trail is a project sponsored by the San Francisco Historical Society and implemented by historian Daniel Bacon. The project consists of installing approximately 150 brass plaques in the sidewalk (16 within Port jurisdiction) which function as "directional indicators" along the 3.8 mile walking trail, that winds its way from the Old Mint at Fifth and Mission to Aquatic Park. Attachment A shows the trail route through Port jurisdiction. The plaques will be embedded in concrete, flush with the sidewalk at strategic points along the trail. The plaques are 14" in diameter and will have 3" bronze arrows placed next to each plaque, pointing in the direction of the trail. All plaques will have the same image on them (see Attachment B), except for the name of the plaque sponsor. The accompanying book, *Walking San Francisco on the Barbary Coast Trail* by Daniel Bacon, describes historical locations and events along the trail.

In August 1996, the San Francisco Board of Supervisors adopted Resolution No. 730-96 (Attachment C) naming The Barbary Coast Trail and approving plaque installations in public rights of way. The cost of installing the plaques will be bourne by the San Francisco Historical Society through a sponsorship program. The plaques will become a gift to the City and County of San Francisco after they are installed. The cost of maintaining the plaques and sidewalks will be the responsibility of the City and County. A trust fund (approximately $20,000) from the Historical Society will help pay for these costs.

THIS PRINT COVERS CALENDAR ITEM NO. 8A

On June 20, 1997 the San Francisco Department of Public Works sent a letter to Port staff (Attachment D) explaining that once the plaques are installed, the Department of Public Works will take on full maintenance and liability responsibilities for the plaques. A Memorandum of Understanding (MOU) between the Port and the Department of Public Works covering liability and maintenance responsibilities for the plaque within Port jurisdiction has been negotiated, and is included as Attachment A to the Resolution.

Of the 16 plaques within Port jurisdiction, approximately 8 are located within tenants' leasehold boundaries, since the premises of several Port leases include the sidewalk or pedestrian pathway areas. These affected tenants have signed letters approving installation of the sidewalk plaques within their leasehold boundaries with the understanding that the plaques would become the property and responsibility of the City and County of San Francisco (see example Attachment E).

Specific agreements (or amendments to existing agreements) will need to be entered into between the Port and each of these tenants to clarify that the tenant and the Port are not responsible for the sidewalk plaques. The agreements will also state that the tenant shall have the right to approve the name of the plaque sponsor, which approval shall not be unreasonably withheld. The Port Commission's approval of the plaque program shall be subject to the San Francisco Historical Society complying with the terms of our agreement with the tenants.

Mr. Bacon has indicated that he will work with all of our tenants to ensure that plaques located in front of their commercial establishments do not include the name of a plaque sponsor that could possibly cause identity confusion by its proximity to the commercial establishment.

The Planning and Development staff recently reported to the Commission on the Port sponsored Interpretive Sign Program for the Fisherman's Wharf area. Staff feels that the Port's Interpretive Sign Program and The Barbary Coast Trail sidewalk plaque program will not conflict with one another. The Interpretive Sign Program will likely consist of a series of free standing, up right, interpretive sign boards with text and graphics located at specific important sites, whereas The Barbary Coast Trail sidewalk plaques are purely "directional indicators" in the sidewalk which need the accompanying book, *Walking San Francisco on the Barbary Coast Trail*, to provide historic and locational information. Mr. Bacon has agreed to include a discussion of the Port's Interpretive Sign Program in future editions of his book.

The attached Resolution and MOU approve the installation of The Barbary Coast Trail sidewalk plaques within Port jurisdiction at no cost to the Port. Once installed, the plaques become the property and responsibility of the City and County of San Francisco, through the Department of Public Works.

Prepared by: Paul Osmundson
Director of Planning and Development

PORT COMMISSION
CITY AND COUNTY OF SAN FRANCISCO

RESOLUTION NO. 97-77

WHEREAS, Charter Section B3.581 empowers the Port Commission with the power and duty to use, conduct, operate, maintain, manage, regulate and control the Port area of San Francisco; and

WHEREAS, The San Francisco Historical Society in partnership with historian Daniel Bacon have been planning a walking trail in San Francisco to provide a recreational and educational experience; and

WHEREAS, On August 12, 1996, the San Francisco Board of Supervisors approved Resolution No. 730-96 that designated 3.8 miles of City and Port streets and sidewalks between the Old Mint, at Fifth and Mission Streets, and Aquatic Park, including the Hyde/Powell cable car line as The San Francisco Barbary Coast Trail; and

WHEREAS; The accompanying book, *Walking San Francisco on the Barbary Coast Trail*, describes historical locations and events along the trail; and

WHEREAS, To visually communicate the route of the Trail, permanent directional plaques will be placed within the sidewalks at strategic points along the trail; and

WHEREAS, There is planned to be approximately 150 such directional plaques installed in the public rights of way along the Barbary Coast Trail, 16 of such plaques are located within Port of San Francisco jurisdiction; and

WHEREAS, The costs of installing the plaques along the Trail will be borne primarily by the San Francisco Historical Society through a sponsorship program, with no costs to the Port of San Francisco; and

WHEREAS, The San Francisco Board of Supervisors intends to accept as a gift all the plaques installed along the Trail, including those plaques located within the Port of San Francisco jurisdiction, thereby accepting ownership, maintenance and liability for the plaques; and

WHEREAS, A Memorandum of Understanding shall be entered into by and between the San Francisco Department of Public Works and the Port of San Francisco to acknowledge that the City and County of San Francisco will take ownership, maintenance and liability for the plaques located within Port jurisdiction; and

WHEREAS, Where sidewalk plaques are to be installed within the boundaries of leases owned by Port tenants, these tenants have agreed to allow the installation of such plaques so long as the plaques become the ownership, maintenance and liability responsibility of the City and County of San Francisco; and

WHEREAS, Those plaques located within Port of San Francisco jurisdiction and within private leasehold boundaries shall necessitate that such action be taken as necessary to allow the placement of the plaques within leased areas and that the leasehold tenant shall have the right to approve the name of the plaque sponsor, which approval shall not be unreasonably withheld; and

WHEREAS, The Commission finds The Barbary Coast Trail sidewalk plaque program will not be in conflict with the Port sponsored Interpretive Sign Program for the Fisherman's Wharf area and Mr. Daniel Bacon has agreed to include discussions of the Port's Interpretive Sign Program in future editions of his book; and

WHEREAS, The installation of such plaques within the Port of San Francisco jurisdiction shall require the issuance of a Building Permit from the Port's Building Inspection and Construction Management Division after all necessary plans and exhibits are submitted to the Division; now, therefore, be it

RESOLVED, that the Port Commission hereby approves of the placement of directional plaques within the sidewalk at strategic points along The Barbary Coast Trail and within the jurisdiction of the Port of San Francisco, subject to the Port entering into a Memorandum of Understanding with the Department of Public Works whereby the Port shall have no responsibility for the installation, repairs, maintenance of the plaques or third-party liability, and shall have no responsibility for any claims, loses or damages arising out of the plaques; and further be it

RESOLVED, that the Executive Director or his designee is hereby authorized to enter into the Memorandum of Understanding, in such form as is approved by the City Attorney, and to take all such further action as may be required to implement the placement of the plaques on Port property along The Barbary Coast Trail.

I hereby certify that the foregoing resolution was adopted by the Port Commission at its meeting of September 9, 1997.

_____
Secretary

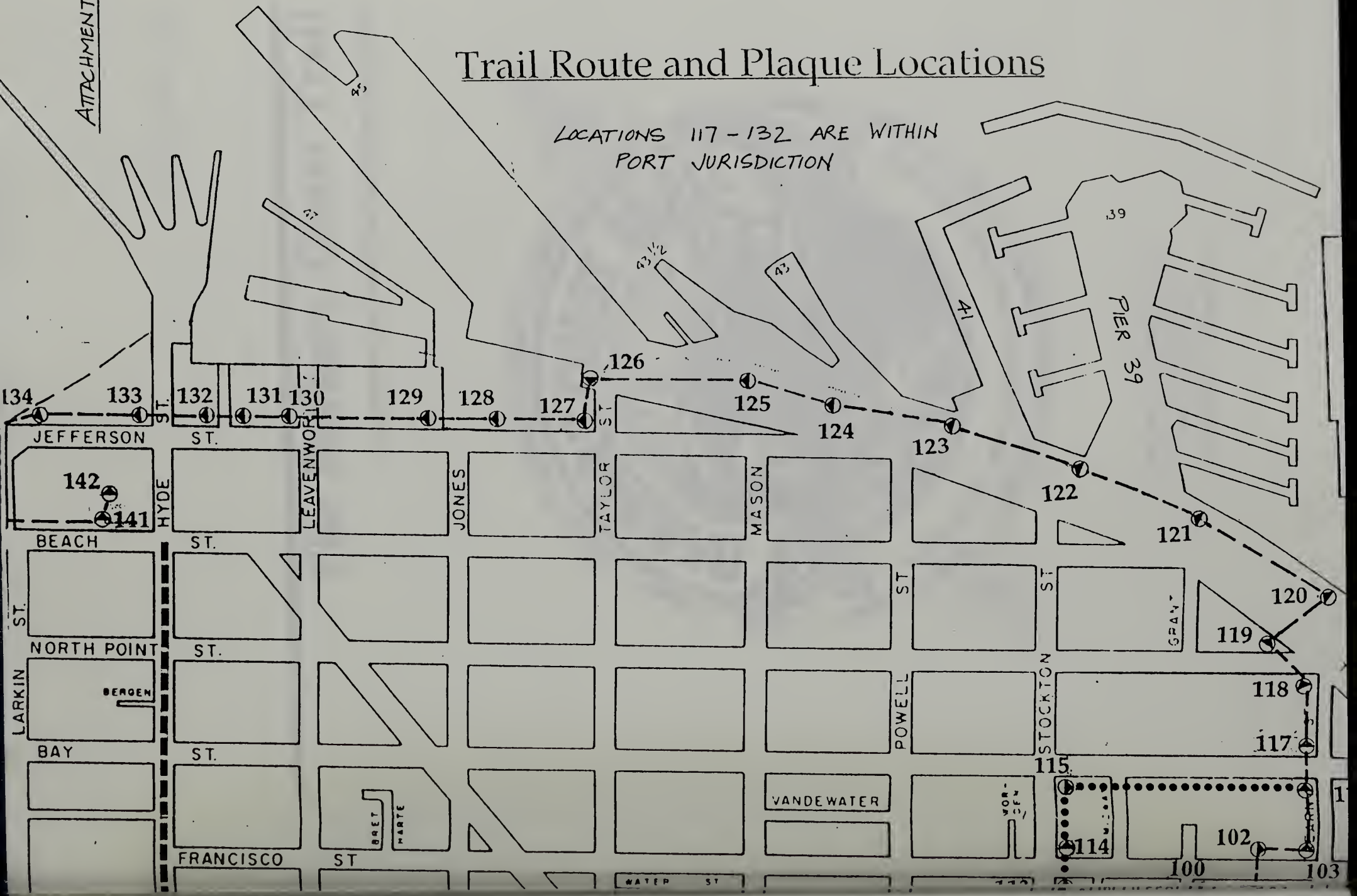
The Barbary Coast Trail

A Project of the San Francisco Historical Society

ATTACHMENT A

Trail Route and Plaque Locations

LOCATIONS 117 - 132 ARE WITHIN PORT JURISDICTION



ATTACHMENT 3

The Barbary Coast Trail

A project of the San Francisco Historical Society

Barbary Coast Trail
Plaque Design
(actual size 14" diameter)

ATTACHMENT C

FILE NO. 200-96-7 RESOLUTION NO. 730-96

AMENDMENT OF THE WHOLE, 8/1/96

[Commemorative Plaque Designation for Barbary Coast Trail]

DESIGNATING 3.8 MILES OF PUBLIC RIGHTS OF WAY BETWEEN THE OLD MINT AT FIFTH AND MISSION STREETS AND AQUATIC PARK AS ELIGIBLE FOR INSTALLATION OF COMMEMORATIVE PLAQUES, PURSUANT TO PUBLIC WORKS CODE SECTION 789.2(a), IN ORDER TO IDENTIFY POINTS OF INTEREST ALONG THE HISTORIC TRAIL TO BE KNOWN AS THE BARBARY COAST TRAIL

WHEREAS, The San Francisco Historical Society has been planning a walking trail in San Francisco to provide a recreational and educational experience that highlights San Francisco's dynamic history, from the establishment of Mission Dolores to its leading role in the development as a gateway of commerce and economic expansion of the western United States; and,

WHEREAS, The planned trail will be known as the Barbary Coast Trail and will occur along 3.8 miles of City streets and sidewalks between the Old Mint, at Fifth and Mission Streets, and Aquatic Park, including the Hyde/Powell cable car line; and,

WHEREAS, The Barbary Coast Trail will encompass 7 museums, over 50 historic sites and landmarks, and unique historical neighborhoods such as Chinatown and North Beach, all in an effort to capture and convey to the pedestrian the colorful and vibrant past that contributes to the continuing attraction of contemporary San Francisco; and,

WHEREAS, There are multiple public benefits to be realized from the designation the Barbary Coast Trail, including

SUPERVISORS KAUFMAN, ALIOTO, BIERMAN, TENG, SHELLEY

recreational and educational opportunities for the City's youth and increased revenues from tourism; and,

WHEREAS, To visually communicate the significance of the multiple historical points of interest along the Trail, permanent plaques need to be placed at strategic points of view along the trail; and,

WHEREAS, Public Works Code Section 789 was developed to provide a procedure for the City to authorize the installation and placement of such commemorative plaques; and,

WHEREAS, There is planned to be approximately 150 such plaques installed in the public rights of way along the Barbary Coast Trail, the design and composition of which will be subject to review by the Department of Public Works and this Board of Supervisors; and,

WHEREAS, The costs of installing the plaques along the Barbary Coast Trail will be borne primarily by the San Francisco Historical Society, in the form of a gift to be made to the City and County of San Francisco; and,

WHEREAS, The costs for maintenance for these plaques and the sidewalks within which they will be installed will be shared by the San Francisco Historical Society, in perpetuity, through the formation of a trust fund for this express purpose; now, therefore be it

RESOLVED, That the Board of Supervisors, pursuant to Public Works Code Section 789.2(a), does hereby designate the public

rights of way existing in the areas between Fifth and Mission Streets and Aquatic Park, to comprise what will be known as the Barbary Coast Trail; and, be it

FURTHER RESOLVED, That along and upon the public rights of way in that area to be known as the Barbary Coast Trail, commemorative plaques designating significant and unique events or periods in San Francisco history may be installed and maintained.

Department of Public Works

Office of the Director
Mark A. Primeau, AIA

June 20, 1997

ATTACHMENT D

Mr. Paul Osmundson
Director of Planning & Development
Port of San Francisco
Ferry Building
San Francisco, CA 94111

RE: Barbary Coast Trail

Dear Mr. Osmundson:

This is in reference to the proposed installation of 152 bronze plaques and directional arrows, 13 of which are within the jurisdiction of the Port, to mark the route of the Barbary Coast Trail.

On August 12, 1996, the Board of Supervisors passed a resolution, originally sponsored by Board President Barbara Kaufman, with additional Supervisors added as co-sponsors, that designated "3.8 miles of public rights-of-way existing in the areas between Fifth and Mission Streets and Aquatic Park, to comprise what will be known as the Barbary Coast Trail."

The Department of Public Works received this request with the understanding that the Historical Society would manufacture and install the plaques at their own expense; and subsequently, would provide a "trust fund" to the City which would provide funding for the maintenance of the Trail. Due to unforeseen costs, we were informed by Mr. Daniel Bacon of the San Francisco Historical Society that the amount of this fund will be at a minimum, $20,000. It is becoming clear to us that the Board of Supervisors will likely accept these plaques and maintenance responsibilities, offsetting costs with this fund. DPW will include projected maintenance costs for all 152 plaques at the appropriate time, in our transmittal to the Board of Supervisors.

DPW is supporting this project, which would provide a recreational and educational experience for residents and visitors of the City, and is working with Mr. Bacon to process and issue permits for the installation of the bronze plaques and directional arrows in streets under DPW jurisdiction.

(415) 554-6920 Fax (415) 554-6944 875 Stevenson Street, Room 410 San Francisco 94103-0934

Mr. Bacon has informed us that the Port has expressed some concerns with regard to the maintenance of the proposed plaques and directional arrows. We recommend that the Port take all necessary steps to allow the Board of Supervisors to accept the plaques and the Barbary Coast Trail as a gift to the City, including maintenance responsibilities. We respectfully request your support for this project and we would appreciate your cooperation in processing and approving the Historical Society's request for the provisional installation, at no cost to the Port, of the proposed plaques within Port jurisdiction.

If you have any questions regarding DPW's position on this project or regarding our permit process, please call Ms. Denise Brady at (415) 554-5800 or Mr. Nick Elsner at (415) 554-6199, for assistance.

Sincerely,

for Mark A. Primeau, AIA
Director of Public Works
and City Architect

cc: Supervisor Barbara Kaufman
Daniel Bacon
549 Kansas Street
San Francisco, CA 94107

ATTACHMENT E

Mr. Sal Guardino
Guardino's
2801 Taylor Street
San Francisco, CA 9413

April 29, 1997

Mr. Kirk Bennett
Port of San Francisco
Ferry Building
San Francisco, CA 94111

Dear Mr. Bennett,

We have been notified that the San Francisco Historical Society has created an historical walking trail called the Barbary Coast Trail, and has applied with the Port of San Francisco to place a bronze plaque in the sidewalk within our leasehold to mark the trail.

We also understand that the plaques will be the property and responsibility of the City and County of San Francisco.

This letter is to notify the Port of San Francisco that we have no objection to the placement of a plaque for the Barbary Coast Trail on our leasehold.

Sincerely,

Sal Guardino

Sal Guardino

MEMORANDUM OF UNDERSTANDING

THIS MEMORANDUM OF UNDERSTANDING (herein "MOU") dated hereof for reference purposes only as of September xx, 1997 is entered into by and between the **City and County of San Francisco through its Department of Public Works** (the "DPW") and the **Port of San Francisco**, an agency of the City and County of San Francisco ("Port").

RECITALS

A. Under the Charter of San Francisco, the administration and control of the real property transferred to the City and County of San Francisco by the State of California, including the sites identified as Plaque Locations 117 through 132 along the San Francisco Barbary Coast Trail, is vested in the Port.

B. The Port Commission has approved the installation of brass plaques at 16 locations within the Port of San Francisco jurisdiction, embedded in the sidewalk or pathway at Locations 117 through 132 for the purpose of providing "directional indicators" for the San Francisco Barbary Coast Trail, subject to the terms and conditions hereof.

NOW, THEREFORE, IT IS AGREED AS FOLLOWS:

AGREEMENT

1. **Recitals**. The foregoing recitals are true and correct and are incorporated herein by this reference.

2. **Premises**. Port hereby approves the installation by a qualified contractor of those Barbary Coast Trail sidewalk plaques ("Plaques") installed at Plaque Locations 117 through 132, an area within Port of San Francisco jurisdiction, as more particularly shown on the map attached hereto as Exhibit A attached hereto and made a part hereof (collectively, "Plaque Locations"), subject to all of the terms and conditions hereof.

3. **Effective Date**. The effective date of this agreement ("Effective Date") shall be September xx, 1997.

4. **Termination**. Either party may terminate this MOU at any time upon evidence that the sidewalk plaques at Plaque Locations 117 through 132 no longer are present at these locations.

5. **Permitted Uses**. The Plaque Locations shall be used solely for the installation of the plaques, confined to those shown on Exhibit A, and for no other use. The Port shall have the right to approve any change in design of the Plaques.

6. **Compliance with Law**. DPW, at DPW's expense, shall comply with all laws, regulations and requirements of Federal, state, county and municipal authorities, now in force or which may hereafter be in force, which shall impose any duty upon Port or DPW with respect to the use, occupation or alteration of the Plaque Locations, including 42 UCSC 12101, et seq., commonly known as the Americans with Disabilities Act.

7. **Maintenance**. DPW, at its sole expense, shall be solely responsible for the maintenance, repair and security of the directional plaques and the associated sidewalk/pathway areas affected by the installation of the directional plaques.

8. **Damages**. Because the Port is not being compensated hereunder for risks associated with DPW's use of the plaque locations and because of certain funding restrictions imposed on Port funds due to public trust restraints, it is the understanding of the parties that Port shall not expend any funds due to or in connection with the use of the Plaques or the Plaque Locations by DPW, or its contractors, agents, or employees (collectively, "Agents") use of the plaque installation sites. Therefore, DPW agrees to be responsible for all costs associated with all claims, damages, liabilities or losses which arise out of any injury or death of any person or damage of any property occurring in, on or about the Plaque Locations sites or which arise as a result of DPW's, or its Agents', act or omission, from any cause.

9. **Relocation of Plaques**. If the Plaque Locations are deemed reasonably necessary for the exercise of Port's operation and activities, as determined by the Port's Executive Director ("Director"), including, without limitation, Port's construction projects and other public projects, DPW shall at its own cost and expense temporarily or permanently remove, relocate, adjust, and/or support the Plaques to such other location or locations or in such a manner, as appropriate, as may be designated or approved, in writing and in advance, by Port. Port will not unreasonably withhold approval of any plan for removal, relocation, adjustment and/or support of the Plaques. Such removal, relocation, adjustment and/or support shall be completed within the time prescribed by the Director. If the Plaques are not removed, relocated, adjusted and/or supported as prescribed by the Director and within the prescribed time, Port may take all reasonable, necessary, and appropriate action, including removing the Plaques at DPW's expense.

10. **Surrender of Premises**. Whenever the removal or relocation of the Plaques occurs under this MOU, DPW, after the removal or relocation of the Plaques at its own cost and expense, promptly shall repair, restore and return the Plaque Locations to a safe and satisfactory condition, as approved by the Director in accordance with Port requirements. If DPW does not return the affected site to a safe and satisfactory condition, Port shall have the option to perform or cause to be performed such reasonable and necessary work on behalf of DPW, at DPW's expense.

11. **Notices**. All notices, demand, consents or approvals which are or may be required to be given by either party to the other under this MOU shall be in writing and shall be deemed to have been fully given when delivered in person to such representatives of Port and DPW as shall from time to time be designated by the parties for the receipt of notices, or when deposited in the United States mail, postage prepaid, and addressed, or when sent by telefacsimile, if to Port to:

Director of Planning and Development Division
San Francisco Port Commission
Ferry Building, Suite 3100
San Francisco, CA 94111
Telefacsimile: (415) 274-0495

and if to DPW to:

Director of Public Works
Department of Public Works
City and County of San Francisco
875 Stevenson Street, Room 410
San Francisco, CA 94103-0934
Telefacsimile: (415) 554-6944

or such other address with respect to either party as that party may from time to time designate by notice to the other given pursuant to the provisions of this Paragraph.

IN WITNESS WHEREOF, the parties have caused this agreement to be executed as of the date first written above.

AGREED TO AS WRITTEN ABOVE:

CITY AND COUNTY OF SAN FRANCISCO, a municipal corporation operating by and through THE SAN FRANCISCO PORT COMMISSION

By:_____
DOUG WONG
Executive Director, Port of San Francisco

Date:_____

AGREED TO AS WRITTEN ABOVE:

DEPARTMENT OF PUBLIC WORKS, a department of the CITY AND COUNTY OF SAN FRANCISCO

By:_____
Director of Public Works,
San Francisco

Date:_____

APPROVED AS TO FORM:

LOUISE H. RENNE
City Attorney

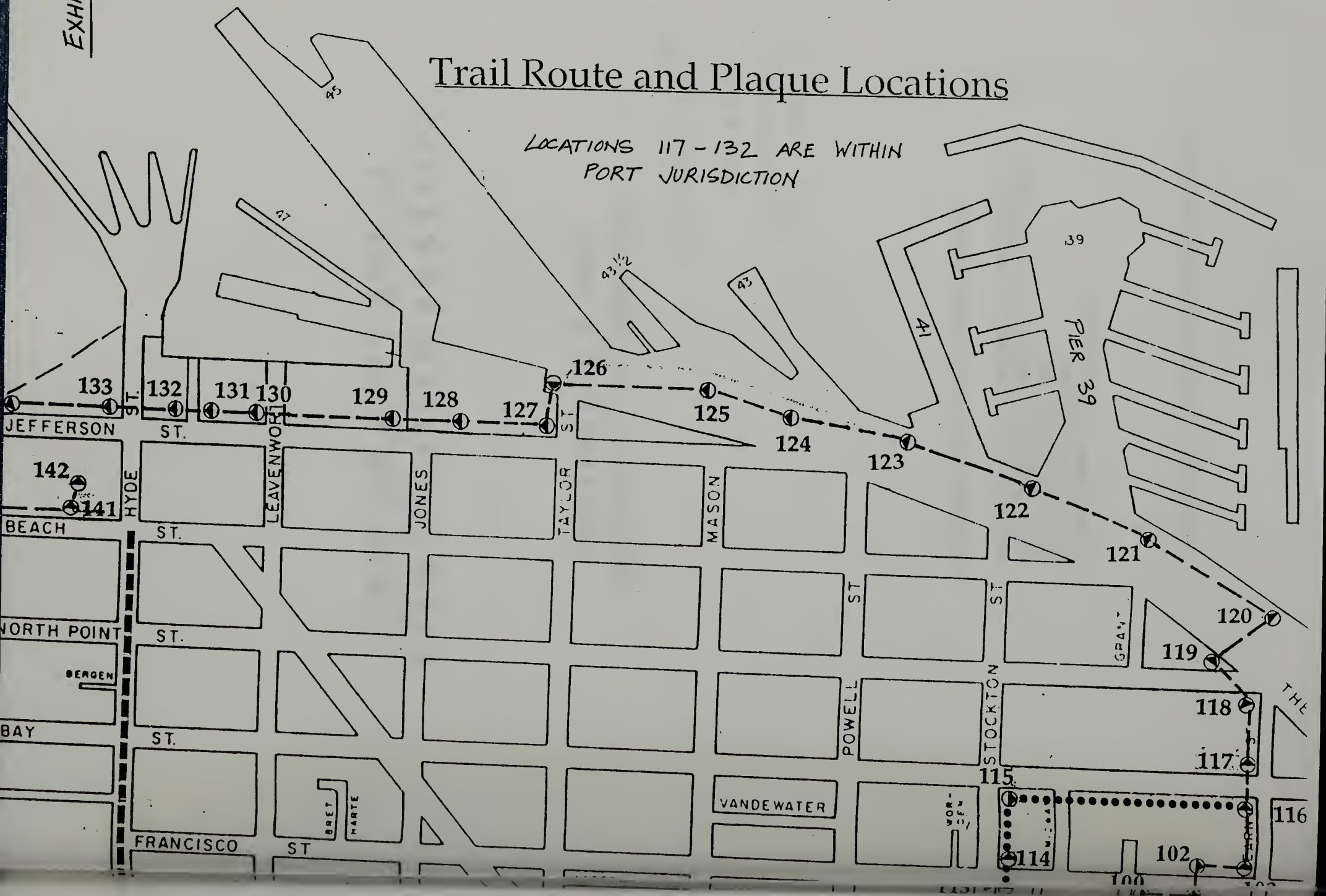
By:_____
NEIL H. SEKHRI
Deputy City Attorney

EXHIBIT A

The Barbary Coast Trail

A Project of the San Francisco Historical Society

Trail Route and Plaque Locations



SAN FRANCISCO
PORT COMMISSION

SEPTEMBER 9, 1997
MINUTES OF THE MEETING

DOCUMENTS DEPT.

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MEMBERS, PORT COMMISSION

HON. MICHAEL HARDEMAN, PRESIDENT
HON. DENISE McCARTHY, VICE PRESIDENT
HON. FRANKIE G. LEE
HON. JAMES HERMAN
HON. KIMBERLY BRANDON

DOUGLAS F. WONG, EXECUTIVE DIRECTOR

CITY & COUNTY OF SAN FRANCISCO
PORT COMMISSION

MINUTES OF THE MEETING
SEPTEMBER 9, 1997

1. ROLL CALL

The meeting was called to order by Commission President Michael Hardeman at 4:02 p.m. The following Commissioners were present: Michael Hardeman, Denise McCarthy, Frankie Lee, James Herman and Kimberly Brandon.

Commissioner Hardeman welcomed Commissioner Brandon to the Port Commission. Commissioner Brandon remarked that she's delighted to be a Port Commissioner and looks forward to working with the Commission, Port staff and the public.

2. APPROVAL OF MINUTES - August 12, 1997 Regular Meeting

ACTION: Commissioner McCarthy moved approval; Commissioner Lee seconded the motion. All of the Commissioners were in favor; the minutes of the meeting were adopted.

3. EXECUTIVE

A. Executive Director's Report:

1) On behalf of Port staff, Mr. Wong welcomed Commissioner Brandon to the Port and look forward to working with her. He noted that staff will arrange a meeting to provide her an orientation on the ongoing projects at the Port.

2) Mr. Wong introduced Noreen Ambrose and welcomed her to the Port. He noted that Ms. Ambrose is the Port's general counsel, replacing Julie Van Nostern, who took a leave of absence. He added that Ms. Ambrose is a great asset to the City and staff is excited to have her at the Port.

3) Mr. Wong invited the Commission to attend the Fisherman's Wharf lighting ceremony on September 18 at 7:30 p.m. This project was approved by the Port Commission last year. The total project cost was approximately $750,000. Port staff has received positive response concerning this project from the public and tenants at the Fisherman's Wharf area. The Mayor was also invited to the ceremony.

4) The Port received final approval for the Maintenance facility from BCDC. He thanked staff for all their hard work and for saving the Port $5 million in particular Alex Lee, Gary Olson & his staff, Ben Kutnick, Paul Osmundson and Fei Tsen and her staff.

5) State Lands unanimously approved the ballpark project on August 26. BCDC held their public meeting last week. Their final meeting is scheduled for September 18. He hopes that all outstanding issues will be resolved.

6) Mr. Wong reported that the Port is doing its best to assist Bay Area commuters impacted by the BART strike. Staff is working closely with its ferry boat operators in helping the public cope with lack of BART service. Since the strike began, the number of commuters taking ferries to San Francisco increased from 900 passengers to more than 5,000 each day. Port staff and the Blue & Gold Fleet and Harbor Bay Island Ferry operators are working hard to handle the crowds. Nearly 60 ferry departures are taking place from Pier 1/2 each day. Additionally, the Port has opened Pier 30/32 as a parking lot to help commuters' parking needs. The Pier 30/32 lot will handle approximately 400 cars and will operate as long as needed.

4. EXECUTIVE SESSION

At 4:08 p.m., the Commission Secretary announced that the Commission will withdraw to executive session to discuss the following:

A. CONFERENCE WITH REAL PROPERTY NEGOTIATOR - ***This session is closed to any non-City/Port representative.****

Property: Port property located at Seawall Lot 337
Person Negotiating:
Port of San Francisco Representative: Douglas F. Wong, Executive Director
*CBBC Representative: Jack Bair

An executive session has been calendared to discuss real property negotiations between the Port of San Francisco and China Basin Ballpark Company ("CBBC"), regarding Seawall Lot 337. This is specifically authorized under California Government Code Section 54956.8

B. CONFERENCE WITH LEGAL COUNSEL REGARDING ANTICIPATED LITIGATION MATTER

1) Discuss significant exposure to litigation pursuant to subdivision (b) of California Government Code Section 54956.9 (1 case).

At 4:58 p.m., Commissioners Hardeman, McCarthy, Lee and Brandon returned from executive session and convened in public session. Commissioner Hardeman mentioned that Commissioner Herman requested to be excused after the executive session.

ACTION: Commissioner McCarthy moved approval to not disclose any information discussed in the executive session. Commissioner Lee

seconded the motion. All of the Commissioners were in favor.

5. MARITIME

6. REAL ESTATE AND ASSET MANAGEMENT

A. Approval of CEQA findings and lease with the China Basin Ballpark Company, LLC ("CBBC") for property located at Seawall Lot 337, for purposes of parking related to the ballpark for the San Francisco Giants to be built at China Basin. (Resolution No. 97-78)

Fei Tsen, Director of Real Estate and Asset Management, indicated that Port staff requests approval of the lease between the China Basin Ballpark Company and the San Francisco Port for the use of Seawall Lot 337. CBBC wishes to lease a property and construct surface parking on the site in order to support the new China Basin Ballpark for the San Francisco Giants.

The term will commence when: (a) the parking improvements have been completed, and (b) the ballpark has been opened to the public for baseball games or other events. If the Port grants consent to other uses other than ballpark parking, then the commencement date will occur on the date that the parking improvements have been completed.

The Tenant has a right to early commencement to construct the parking improvements. Such written notice must be given to the Port 12 months prior to commencement of construction but no later than July 1, 1998. The lease will terminate if Tenant has failed to give an early commencement notice on or before July 1, 1998, or if the Tenant has not completed the parking improvements by March 31, 2002. The lease term will terminate on November 15 of the year which is nine years after the commencement date. The base rent will be $101,554 per month or $1,218,648 annually.

In addition to the base rent, the Tenant will pay Port, on a monthly basis, fifty percent of all net operating revenues generated from the premises per year. During the construction period, the base rent will be the amount from the existing uses at the time that CBBC provides the Port its early occupancy notice. The base rent will also be increased at the end of the 5th year by the annual CPI factor with a minimum of 3% per year and a maximum of 5% per year.

The Tenant is responsible for investigation and remediation requirements for development of the parking improvements.

The Port will allow a rent credit against monthly base rent at an amount not to exceed $100,000 per year. It is CBBC's intention to enter into an operating agreement with the parking operator to build and operate the parking lot. The Port will have the right to approve any parking operator for the premises and the operating agreement between CBBC and the operator. The Port also has the right to approve the operating

budget next year.

Jack Bair, San Francisco Giants, indicated that this is the implementation of what has been expected from all the ballpark approvals. It is anticipated that this land use will be used for ballpark parking. The specifics of the arrangement with the Port were finalized and are now before the Commission to implement what was anticipated throughout the ballpark process.

Commissioner McCarthy inquired if CBBC will lease the site for parking purposes only. Jack Bair responded that the lease provides for parking for ballpark and event use at the ballpark site. If the Port Commission allows other uses, they would like the opportunity to discuss the matter. However, it is under the Port's discretion to allow other parking uses on the site.

Commissioner Brandon inquired about the goals of the Program in Diversity. Jack Bair stated that as part of the ballpark lease, there is a program in diversity which speaks to preconstruction jobs and opportunities. They are in the process of implementing the program and are working with the Port and Human Rights Commission.

Harry O'Brien opined that the program in diversity is very specific with respect to the construction goals. The City has its own diversity program, which is Chapter 12D of the Administrative Code. The construction program is modeled after Chapter 12D. It adopts the same goals as the City has for a public project in terms of MBE/WBE participation in construction and in terms of the resident employment and affirmative action employment. In addition, the Giants made a commitment that goes beyond what the City imposes under Chapter 12D in terms of continuing programs in the operation of the ballpark and the parking lot. That program is much less specific because it does not have the model of 12D to pattern after. They have been working with HRC and the special task force established by HRC. They will continue to develop those programs and work with Port staff as well to get more specificity in terms of the goals of the program.

Ernestine Weiss welcomed Commissioner Brandon and urged the Commission to approve this item.

ACTION: Commissioner Lee moved approval; Commissioner McCarthy seconded the motion. All of the Commissioners were in favor; the resolution was adopted.

7. FACILITIES & OPERATIONS

A. Approval of an application to the State Resources Agency for funding to implement the Pier 98 Wetlands Enhancement and Public Access Project. (Resolution No. 97-76)

Carol Bach, Environmental Health & Safety Project Manager, indicated that this item

authorizes her as an agent of the Port Commission to apply to the State Resources Agency for funding to contribute toward implementation of the Pier 98 Wetlands Restoration Project. The California State Resources Agency under the Wildlife Protection Act of 1990 has habitat conservation funds available for wetlands enhancement project intended for projects such as Pier 98. The application process requires that a resolution be formally adopted by the Port Commission authorizing the Port to apply for funds.

Commissioner McCarthy indicated that one of the assurances states that the work commences in a reasonable time and the project be completed. She inquired if staff will be able to accomplish this in a timely fashion if the funds are not secured. Ms. Bach stated that the Port has the $1 million commitment from PUC and applications are pending with the Coastal Conservancy and the State Resources Agency which would provide the additional funding. The remaining balance will be obtained from the Port's Capital Fund. This funding assistance would draw down the amount from our capital plan. The capital plan currently contemplates providing all the money for the project if funds are not secured.

Commissioner Brandon inquired about the location of the current wetland areas. Ms. Bach replied that on the south side of the peninsula bordering India Basin, there are approximately three acres of tidal salt marsh and the project intends to create five acres of new wetland area generally on the southwest side of the peninsula, which would be contiguous with the existing wetlands. Other wetlands are also located at Pier 94. Commissioner Brandon inquired how this particular area was chosen for the wetland project. Ms. Bach indicated that Pier 98 was initially constructed in the 1970's for the purpose of being completed as a container shipping terminal. The Port and the BCDC entered into negotiations on how to settle the legality of the fill and resolved it by mutually agreeing to do a wetland enhancement project in the area. Commissioner Brandon inquired if there are any other development ideas envisioned for Pier 98. Ms. Bach answered no.

ACTION: Commissioner Lee moved approval; Commissioner McCarthy seconded the motion. Three of the Commissioners were in favor. Commissioner Brandon cast the dissenting vote. The resolution was adopted.

8. PLANNING & DEVELOPMENT

A. Approval of The Barbary Coast Trail Sidewalk Plaque Program within Port jurisdiction. (Resolution No. 97-77)

Mr. Paul Osmundson, Director of Planning and Development, indicated that this is an item concerning the Barbary Coast Trail, sponsored by the San Francisco Historical Society and implemented by local historian Daniel Bacon. The project consists of installing 150 brass plaques in the sidewalk, 16 of which are within Port jurisdiction, which function as directional indicators for the 3.8 miles walking trail from the Old Mint to Aquatic Park. The plaques will be embedded in concrete, flush with the sidewalk at strategic points along the trail. The cost of installing the plaques will be

borne by the San Francisco Historical Society through a sponsorship program. The plaques will become a gift to the City & County of San Francisco after they are installed. The Board of Supervisors approved a resolution in August 1996 accepting the plaques as gift. The Port and Department of Public Works negotiated an MOU regarding liability and maintenance responsibilities for the plaques that would be located within Port jurisdiction. Of the 16 plaques within Port jurisdiction, approximately eight are proposed to be located within tenants leasehold boundaries. Specific agreements would need to be entered into between the Port and each of the tenants to clarify that the tenants and the Port are not responsible for the plaques. The agreement would also state that the tenants have the right to approve the name of the plaque sponsor.

Mr. Osmundson indicated that Port staff made a presentation in August on another signage program in the Fisherman's Wharf area. Port staff believes that the Fisherman's Wharf Interpretive Signage Program will not conflict with the Barbary Coast Trail program. In fact, they will be compatible with one another.

Commissioner Brandon inquired whether all the plaques will have the same picture. Mr. Osmundson replied that every plaque will indeed have the same picture and the sponsor's name will be noted on the plaque.

Commissioner McCarthy stated that she was not in favor of the plaques. She indicated that a different depiction on the plaque appropriate to the history of the City should have been considered. She then asked how the plaques will fit in with the ribbons that are already in place and if this will set a precedent to allowing yet the next idea of placing plaques along the waterfront.

Mr. Osmundson replied that with regard to the design of the plaque, he was not sure if there were any flexibilities but offered to provide the project sponsor Commissioner's McCarthy's comments. With regard to the plaques interaction with the ribbon project and other signage programs on the Embarcadero, this project will pick up where the ribbon project ends. As far as precedent setting, he indicated that the Commission requested staff to develop a policy regarding placement of plaques and similar items within Port jurisdiction. Staff will provide the Commission a schedule for developing the policy. However, until the policy is in place, staff and the Commission will review each request on a case-by-case basis. The Commission has the authority to approve and deny any of the projects. Staff, however, has coordinated with the Fisherman's Wharf community to ensure that the plaques are consistent with the rest of the proposed site furniture and urban improvements in the area.

Commissioner McCarthy inquired about the bay walk program. Mr. Osmundson responded that the bay trail is a regional project which involves signage affixed to street poles and aimed towards bicyclist.

Commissioner McCarthy inquired about the cost of the plaques. Mr. Osmundson replied that he does not have that information. She then asked for assurance that the

Port definitely does not have any responsibility in maintaining the plaques and wondered who will install the plaques. Mr. Osmundson assured Commissioner McCarthy that the MOU specifically states that the Port has no responsibility for the installation, repair and maintenance of the plaques. The Historical Society will hire a contractor to install the plaques. Commissioner McCarthy asked if there was some way that the plaques be totally flushed so that people will not trip over them. Mr. Osmundson replied that the Port will have to issue building permit and review plans and specifications at that time.

Mr. Daniel Bacon, San Francisco Historical Society, indicated that this project was conceived by the Society four years ago and it is modeled after the Freedom Trail in Boston. They expect that this trail will be an icon in San Francisco. They will distributing a guide to the trail that will talk about San Francisco's history and the gold rush. They think that this is going to help not only the residents but visitors of San Francisco. There are over 49 different historic sites on the trail. There are six museums that focuses on different aspects of San Francisco's history. It goes through the three oldest square of San Francisco. To date, the plaque sponsorship costs $1,846 which will go toward the cost of creating and implementing the plaques. Sponsors, to date, include Nancy Pelosi, Barbara Kaufman, Senator Feinstein, Chevron, Bechtel, Wells Fargo, Bank of America and others. The sponsors' name will be engraved on the plaque. Mr. Bacon revealed that they have met with the Port leaseholders where the plaques will be installed and have received letters from each one of them stating that they have no objections to these plaques being installed.

Mr. Osmundson clarified that when the Interpretive Signage Program was presented to the Commission, staff discussed a pathway leading through Fisherman's Wharf to highlight the fishing industry and mentioned the potential of having a ribbon on the ground that would serve as a guide.

Mr. Bacon mentioned that the trail will focus on 20 different historic sites or areas along the trail; Fisherman's Wharf was included. They were excited when they found out about the signage program.

ACTION: Commissioner Lee moved approval; Commissioner Brandon seconded the motion. Three of the Commissioners were in favor; Commissioner McCarthy cast the dissenting vote. The resolution was adopted.

There being no new business/public comment, the meeting was adjourned at 5:27 p.m.

Commission Secretary

Approved · 9-23-97

SAN FRANCISCO
PORT COMMISSION

REGULAR MEETING
4:00 P.M., SEPTEMBER 23, 1997
FERRY BUILDING, SUITE 3100
SAN FRANCISCO, CALIFORNIA

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AGENDA

1. **ROLL CALL**

2. **APPROVAL OF MINUTES** - September 9, 1997 Regular Meeting

3. **EXECUTIVE**

   A. Executive Director's Report

4. **MARITIME**

5. **REAL ESTATE AND ASSET MANAGEMENT**

   A. Authorization to rescind Port Commission Resolution 94-20 and authorization to terminate the use permit issued to Waterfront Carriage Service, Inc. (Resolution No. 97-82)

6. **FACILITIES & OPERATIONS**

   A. Briefing and Public Hearing on Accomplishments of the Fisherman's Wharf Environmental Quality Advisory Committee.

   B. Authorization to issue a Request for Proposals for as-needed engineering services. (Resolution No. 97-80)

   C. Approval of Port Standard Berthing Agreement and Amendments to the Port Terminal Tariff, FMC No. 4. (Resolution No. 97-81)

7. **PLANNING & DEVELOPMENT**

   A. Presentation on proposed amendments to the San Francisco General Plan and Planning Code to implement the Waterfront Land Use Plan.

8. **FINANCE AND ADMINISTRATION**

   A. Authorization to request a Supplemental Appropriation for $2,000,000 to fund a

portion of the cost of repair to the marginal wharves from Pier 1-½ to Pier 5 in order to accommodate the new promenade for the Mid-Embarcadero Roadway Project. (Resolution No. 97-79)

9. CONSENT CALENDAR

10. NEW BUSINESS / PUBLIC COMMENT

Public comment is permitted on any matter within Port jurisdiction, and is not limited to agenda items. Public comment on non-agenda items may be raised during New Business/Public Comment. Please fill out a speaker card and hand it to the Commission Secretary. If you have any questions regarding the agenda, please contact the Commission Secretary at 274-0406.

11. EXECUTIVE SESSION

A. CONFERENCE WITH REAL PROPERTY NEGOTIATOR - ***This session is closed to any non-City/Port representative.****

Property: Port property located within Mission Bay, generally bounded by Terry Francois Boulevard, Illinois Street and Mission Rock.
Person Negotiating:
Port of San Francisco Representative: Douglas F. Wong, Executive Director
*Catellus Representative: Doug Stimpson, Vice President & Chief Financial Officer

An executive session has been calendared to discuss real property negotiations between the Port of San Francisco and Catellus regarding Port Land Transfer Agreement. This is specifically authorized under California Government Code Section 54956.8

B. CONFERENCE WITH LEGAL COUNSEL REGARDING ANTICIPATED AND EXISTING LITIGATION MATTERS:

1) Discuss significant exposure to litigation pursuant to subdivision (b) of California Government Code Section 54956.9 (1 case).

2) Discuss existing litigation matters pursuant to subdivision (a) of California Government Code Section 54956.9 (2 cases)

(a) CICO v. CCSF; San Francisco Superior Court No. 989618
(b) CICO v. CCSF; San Francisco Superior Court No. 989294

12. ADJOURNMENT

PORT OF SAN FRANCISCO

Ferry Building
San Francisco, CA 94111
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Fax 415 274 0528
Cable SFPORTCOMM
Writer

MEMORANDUM

September 19, 1996

TO: MEMBERS, PORT COMMISSION
Hon. Michael Hardeman, President
Hon. Denise McCarthy, Vice President
Hon. Frankie G. Lee
Hon. James Herman
Hon. Kimberly Brandon

FROM: Douglas F. Wong
Executive Director

SUBJECT: Horse Drawn Carriage Use Permits

DIRECTOR'S RECOMMENDATION: Approve Resolution.

In February 1994, the Commission adopted Resolution No. 94-20 directing staff is to issue a request for proposals ("RFP") for the award of a horse drawn carriage use permit at Fisherman's Wharf. Following the second submission of proposals in response to an RFP issued pursuant to that resolution, in March 1995 the Port awarded a month to month use permit (the "Permit") to Waterfront Horse Carriage Service ("Waterfront").

At the time of award Waterfront was operated by Mr. Sears and Mr. Cohen. Mr. Cohen subsequently withdrew from Waterfront and in July 1995 the Port Commission approved the assignment of the Permit to Mr. Sears and Mr. Perkins.

In 1996, Mr. Jenkel, a disappointed offeror under the 1994 RFP, filed a petition in San Francisco Superior Court, seeking, among other things, an order from the Court stating that in July 1995 the Port was required to issue a new RFP for award of a use permit rather than approve the assignment of the Permit. Although that issue has not been resolved, the Judge assigned to the matter has preliminarily stated his belief that Resolution No. 94-20 required a new RFP to be issued so long as the Resolution was "on the books." To preclude any confusion in the future concerning the intent of Resolution No. 94-20, Port Staff requests the Commission approve the attached resolution rescinding Resolution No. 94-20 and explicitly stating that Resolution No. 94-20 is not to have any effect upon future action by Port Staff.

THIS PRINT COVERS CALENDAR ITEM NO. 5A

On September 15, 1997 DPW commenced construction of the "F" Line extension from the intersection of Powell and Jefferson Streets with The Embarcadero to the corner of Jones and Jefferson Streets. This construction project is expected to create substantial traffic congestion and disruption in the area into mid 1998. The construction will also require temporary changes in pedestrian traffic. The location currently under permit to Waterfront is needed for construction related activities including traffic detours and equipment and materials storage. Waterfront was temporarily relocated on September 15th to a nearby location on The Embarcadero. However, Port Staff has determined this location also impedes traffic, and that there is no other suitable location at this time for this use given the significant impact of the construction on traffic in the area and need for maintaining pedestrian and vehicle safety. Moreover, the horse drawn carriages themselves will interfere with traffic flow and contribute to congestion during the construction.

Due to the safety concerns associated with the extensive construction along Jefferson Street and the lack of another suitable location on Port property from which to operate horse drawn carriages, Port Staff recommends the Commission approve the termination of Waterfront's Permit. At the conclusion of the construction project, staff will determine whether or not the Port can accommodate the operation of horse drawn carriages from Port property. This determination will take into account the new vehicle and pedestrian traffic patterns in the area including the fact that Taylor Street and The Embarcadero will be converted to two way traffic and the ultimate operation of the "F" line down the middle of the street. If a decision is made to permit this use, staff will request the Commission's authorization to issue an RFP for the use permit.

Prepared by: Fei Tsen, Director, Real Estate and Asset Management

PORT COMMISSION
CITY AND COUNTY OF SAN FRANCISCO

RESOLUTION NO. 97-82

WHEREAS, In February 1994, the Commission adopted Resolution No. 94-20 directing staff is to issue a request for proposals ("RFP") for the award of a horse drawn carriage use permit at Fisherman's Wharf; and

WHEREAS, In March 1995 the Port awarded a month to month use permit (the "Permit") to Waterfront Horse Carriage Service ("Waterfront"); and

WHEREAS, At the time of award Waterfront was operated by Mr. Sears and Mr. Cohen. Mr. Cohen subsequently withdrew from Waterfront and in July 1995 the Port Commission approved the assignment of the Permit to Mr. Sears and Mr. Perkins; and

WHEREAS, In 1996, Mr. Jenkel, a disappointed offeror under the 1994 RFP, filed a petition in San Francisco Superior Court, seeking an order from the Court stating that at the time of the assignment in July 1995 the Port was required to issue a new RFP for award of a use permit; and

WHEREAS, Although the lawsuit has not been resolved, to preclude any confusion in the future concerning the intent of Resolution No. 94-20, the Commission rescinds Resolution No. 94-20; and

WHEREAS, On September 15, 1997 DPW commenced construction of the "F" Line extension from the intersection of Powell and Jefferson Streets with The Embarcadero to the corner of Jones and Jefferson Streets; and

WHEREAS, The location currently under permit to Waterfront is needed for construction related activities including traffic detours and equipment and materials storage; and

WHEREAS, The construction will have a substantial adverse impact on both vehicle and pedestrian traffic in the area; and

WHEREAS, There is no other suitable location at this time for this use given the significant impact of the construction on traffic in the area and need for maintaining pedestrian and vehicle safety; and, therefore, be it

RESOLVED, That Resolution No. 94-20 is hereby rescinded; and be it further

RESOLVED, That Resolution No. 94-20 is not to have any effect upon future action by Port Staff; and, be it further

RESOLVED, That due to the safety concerns associated with the extensive construction along Jefferson Street and the lack of another suitable location on Port property from which to operate horse drawn carriages, Staff is directed to terminate Waterfront's Permit in accordance with its terms.

I hereby certify that the foregoing resolution was adopted by the San Francisco Port Commission at its meeting of September 23, 1997.

_____

Secretary

CITY AND COUNTY OF SAN FRANCISCO

SAN FRANCISCO PORT COMMISSION

RESOLUTION NO. 94-20

WHEREAS, Charter Section 3.581 empowers the Port Commission with the power and duty to use, conduct, operate, maintain, manage, regulate and control the Port area of San Francisco; and

WHEREAS, Article 3 of the Harbor Traffic Code empowers the Port Commission to regulate use of curb space for operating businesses; and

WHEREAS, permitting the use of curb space at Fisherman's Wharf for originating land excursion tours has the potential to generate significant revenue to the Port.

RESOLVED, that the San Francisco Port Commission hereby authorizes staff to offer through a RFP process permits to operate land excursion business using curb space at Fisherman's Wharf in accordance with the terms set forth in the attached Agenda Summary Sheet as agenda item 5B.

I HEREBY CERTIFY that the foregoing resolution was approved by the San Francisco Port Commission at its meeting of February 8, 1994.

Secretary

PORT OF SAN FRANCISCO

Ferry Building
San Francisco, CA 94111
Telephone 415 274 0400
Telex 275940 PSF UR
Fax 415 274 0528
Cable SFPORTCOMM
Writer

MEMORANDUM

September 17, 1997

TO: MEMBERS, PORT COMMISSION
Hon. Michael Hardeman, President
Hon. Denise McCarthy, Vice President
Hon. Frankie Lee
Hon. James Herman
Hon. Kimberly Brandon

FROM: Douglas F. Wong
Executive Director

SUBJECT: Briefing and Public Hearing on Accomplishments of the Fisherman's Wharf Environmental Quality Advisory Committee

I. BACKGROUND

In July of 1996, the Port established the Fisherman's Wharf Environmental Quality Advisory Committee (EQAC) to address business and community concerns about the quality of the environment at Fisherman's Wharf. Roberta Jones of the Port's staff chairs the EQAC, which includes representatives of the San Francisco Crab Boat Owners Association, Caito Fisheries, the Fisherman's Wharf Port Tenant's Association, the Fisherman's Wharf Association, the Dolphin Swimming and Boating Club, the South End Rowing Club, the San Francisco Recreation and Parks Department, the San Francisco Bureau of Water Pollution Control and the San Francisco Maritime National Historic Park. As a first step, the EQAC adopted the following mission and vision statements:

> **Mission:** In an ongoing advisory capacity to the Port of San Francisco, ensure preservation and restoration of the environmental quality of Fisherman's Wharf and Aquatic Park including Bay water and the land in the area. Employ collaborative and community-based solutions which respect, balance and enhance the multi-use and multi-jurisdictional interests in the area, as well as the aquatic and other environmental resources of the area.
>
> We would like to see Fisherman's Wharf and Aquatic Park, including Bay water and land in the area, regarded nationally and internationally as a showcase model of outstanding environmental quality management techniques, integrated in a compatible and sustainable manner with the multiple uses of the area.

THIS PRINT COVERS CALENDAR ITEM NO. 6A

Vision: We aspire to be a diverse team whose collective actions make a significant positive difference in the environmental quality of Fisherman's Wharf and Aquatic Park. We work in a constructive manner which enhances our own effectiveness and that of others to achieve tangible, enduring solutions to these environmental concerns. We maintain the trust and confidence of our colleagues and of the diverse stakeholder community which exists in and uses Fisherman's Wharf and Aquatic Park. We foster multiple compatible and sustainable uses in the area and recognize the importance of historic, maritime, fisheries, cultural, business, recreational, educational and community interests. Using collaborative efforts, we seek to support and encourage best management practices and best available technology to preserve and restore the environmental quality in the area.

II. ACCOMPLISHMENTS

The EQAC has developed a number of recommendations and action items in support of its mission and vision statements. In some cases, the Port's staff has already begun to implement the EQAC's recommendations. Other recommendations will require an action by the Port Commission, and will be brought to the Port Commission today or in the future for approval. The following list contains the highlights of the EQAC's accomplishments thus far:

1. **New Assistant Harbormaster Hired.** The EQAC discovered that many water quality violations occur on the weekends and after hours, when no Port staff are present to supervise activities at the Wharf. At the EQAC's urging, the Port hired an Assistant Harbormaster to assist the existing Harbormaster, and the Port is now able to staff the Wharf seven days per week.

2. **Revision of Vessel Lease Agreement and Tariff.** The EQAC reviewed the Port's Vessel Lease Agreement and Tariff (which contains rules and regulations) and determined that the Port's documents did not sufficiently address environmental concerns. Deputy City Attorney Neil Sekhri, with assistance from a number of EQAC members and other Port staff, revised the documents so that they match or exceed the standards for environmental protection required by other fishing marinas along the California coast. The new Vessel Lease Agreement and Tariff will contain strict environmental protection requirements, and will give the Harbormaster additional enforcement authority. The new Vessel Lease Agreement and Tariff will be presented to the Port Commission for approval today.

3. **Development of Port Storm Water Drainage Policy**. The EQAC has identified non-point sources of pollution such as runoff from parking areas, work areas and public access areas as a significant source of pollution at

Fisherman's Wharf. To address the significant water quality impacts associated with storm water runoff, the EQAC is working with Port staff to develop a storm water drainage policy. The proposed storm water drainage policy will be presented to the Port Commission for approval at a later date.

4. **Development of Signage/Educational Program.** The EQAC has concluded that poor housekeeping practices and a general disregard for the Bay environment cause a large share of the adverse environmental impacts at Fisherman's Wharf. Problems include trash in the water, discharge of oily bilge water and sewage into the water, improperly performed boat maintenance work and wash down of contaminated surfaces into the water. To combat these problems, the EQAC has determined that an educational program would be beneficial. The educational program, which will consist of appropriate signage and the distribution of educational materials to Fisherman's Wharf businesses, boaters and the public, is designed to reach both the fishing industry and the general population. The signage program will be integrated with the interpretive signage program now under development by the Port. The proposed educational/signage program will be presented to the Port Commission for approval in the near future.

III. FUTURE PROJECTS

Despite these significant accomplishments, the EQAC has identified a number of more entrenched problems that continue to impair water quality at Fisherman's Wharf. Resolving these problems, which include impaired tidal circulation within the lagoon, the ever-expanding sea lion and seagull populations, lack of storm water treatment at existing facilities and inadequate water quality monitoring, will require additional expertise and funding. To this end, the EQAC plans use a significant portion of its $50,000 yearly budget to retain a consultant to assist in developing a set of recommendations and priorities for future action. The resulting list of recommendations and priorities will be used to guide the EQAC's search for grant funding for these projects.

The upcoming Hyde Street Harbor Project presents a unique opportunity to modernize Fisherman's Wharf and provide needed infrastructure improvements that will help improve water quality in the lagoon. Members of the EQAC have been active in the development and review of the project's design, and will continue to work with the Port and its design consultants to assure that the final design incorporates the best possible technology for pollution prevention and environmental protection.

Prepared by: Roberta Jones,
Environmental Health and Safety Manager

PORT OF SAN FRANCISCO

Ferry Building
San Francisco, CA 94111
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Telex 275940 PSF UR
Fax 415 274 0528
Cable SFPORTCOMM
Writer

MEMORANDUM

September 17, 1997

TO: MEMBERS, PORT COMMISSION
Hon. Michael Hardeman, President
Hon. Denise McCarthy, Vice President
Hon. Frankie G. Lee
Hon. James Herman
Hon. Kimberly Brandon

FROM: Douglas F. Wong
Executive Director

SUBJECT: Authorization to issue a Request for Proposals for as-needed engineering services

DIRECTOR'S RECOMMENDATION: AUTHORIZE STAFF TO ISSUE A REQUEST FOR PROPOSALS FOR A CONSULTANT FOR AN AS-NEEDED ENGINEERING SERVICES IN ACCORDANCE WITH THE ATTACHED RESOLUTION

Various Port divisions request engineering staff support on a variety of issues including for example, structural evaluations of facilities for leasing or development, civil or electrical engineering designs to accommodate tenants, architectural review for code matters and cost estimates for improvements. These requests exceed the engineering staff resources. To respond to these various projects, Port engineering staff has an ongoing need for outside engineering services on short notice.

PRINT COVERS CALENDAR ITEM 6B

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Port staff requests approval to issue a Request for Proposals to select one or two engineering firms to provide "as-needed" engineering services. The total contract value will not exceed $300,000.(or $150,000 each if two contracts are awarded). The services requested will include structural, civil and electrical engineering, geotechnical, architectural and construction cost estimating. The contract will be for a two year period.

Staff will select a consultant through a competitive proposal process and after Commission approval, certify a contract for a minimum amount of $10,000. Work will then be authorized on an as-needed basis. As additional work is needed, staff will be authorized to issue contract amendments and fund the contract up to a total amount not to exceed $300,000. The consultant will be paid only if work is performed. No assignment will be for an amount greater than $30,000 or require longer than 8 weeks to complete.

Prepared by: Cliff Jarrard, Chief Harbor Engineer

PORT COMMISSION

CITY AND COUNTY OF SAN FRANCISCO

RESOLUTION NO. **97-80**

WHEREAS, various Port divisions request engineering staff support on a variety of engineering and technical issues; and

WHEREAS, these requests exceed the engineering staff resources and Port engineering staff has an ongoing need for outside engineering assistance on short notice; and

WHEREAS, Port staff requests approval to issue a Request for Proposals to select a consultant to provide as-needed services and the contract amount will not exceed $300,000. (or $150,000 each if two contracts are awarded); and

WHEREAS, the services will include structural, civil and electrical engineering; geotechnical; architectural and construction cost estimating; and

WHEREAS, after Commission approval to award to the selected consultant, the contract will be certified for a minimum amount of $10,000; and

WHEREAS, as additional work is requested, staff will be authorized to issue contract amendments and fund the contract up to an amount not to exceed $300,000; and

WHEREAS, the contract will be for a two year period, therefore be it

RESOLVED, that the Commission authorizes staff to issue a Request for Proposals for as-needed engineering services not to exceed $300,000.

I hereby certify that the foregoing resolution was adopted by the Port Commission at its meeting of September 23, 1997.

_____

Secretary

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PORT OF SAN FRANCISCO

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San Francisco, CA 94111
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MEMORANDUM

September 17, 1997

TO: MEMBERS, PORT COMMISSION
Hon. Michael Hardeman, President
Hon. Denise McCarthy, Vice President
Hon. Frankie Lee
Hon. James Herman
Hon. Kimberly Brandon

FROM: Douglas F. Wong
Executive Director

SUBJECT: Approval of Port Standard Berthing Agreement and Amendments to Port Terminal Tariff, FMC No. 4

DIRECTOR'S RECOMMENDATION: THAT THE COMMISSION APPROVES NEW PORT STANDARD BERTHING AGREEMENT AND AMENDMENTS TO PORT TERMINAL TARIFF, FMC NO. 4

In July 1996, the Port formed the Fisherman's Wharf Water Quality Advisory Committee, in response to concerns of the community over water quality issues in the Fisherman's Wharf area. The Committee consists of representatives of recreational users, the fishing and fish processing industry, the San Francisco Maritime National Historic Park, and the Fisherman's Wharf Merchant's Association.

One of the first projects undertaken by the Committee was to revise the Port's berthing agreement and the Port's Tariff applicable to the Fishing Industry, in order to better protect water quality. The Berthing Agreement, and Amendments to Port Tariff No. 4 attached to the accompanying Resolution for this Calendar Item are the result of numerous meetings of the Committee, and a subcommittee consisting of Bob Miller of the San Francisco Crab Boat Owner's Association, the Port's Harbor Master, John Davey, and the City Attorney's office. The proposed Agreement and Amendments have been made available for comment to the fishing industry and other users of Fisherman's Wharf. The existing Tariff Rule No. 34 Section 8 is also attached for your reference.

THIS PRINT COVERS CALENDAR ITEM NO. 6C

The following is a summary of significant provisions of the Agreement and Tariff Amendments:

1. **Berthing Agreement**

Rent: Rent is set according to the schedule set forth in the Port's Tariff, Rule No. 34. The Port Commission may adjust the rent through amendments to the Tariff schedule.

Change of Berth: The Port may require berth holders to relocate upon 24 hours prior notice.

Nonexclusive Use: If a vessel is away from its berth for more than seven days, the Port may allow other vessels to use the berth until the vessel returns.

Term: The Berthing Agreement is terminable upon 30 days notice by either party.

Indemnity: The Berthing Agreement includes the Port's standard indemnification language, in which the vessel owner agrees to indemnify the Port for all claims, loss and damage, except that resulting exclusively from the wilful misconduct of Port or City.

Insurance: Most fishing vessels do not carry general liability insurance, due to the prohibitive cost. As a result, as an accommodation to retaining the fishing fleet at Fisherman's Wharf, staff recommends that the insurance provisions of Section 14 of the Berthing Agreement only be required for vessels that carry passengers for hire, but not for vessels engaged solely in the commercial fishing industry that do not at any time carry passengers for hire.

Rules and Regulations: The vessel owner must comply with all applicable rules and regulations, including the provisions of Port Tariff No. 4.

City Requirements: The Berthing Agreement includes all applicable City requirements, including MacBride Principles, Tropical Hardwood Ban, and Non-Discrimination/Equal Benefits.

2. **Amendments to Port Tariff No. 4.**

Item No. 800 (Definition of Chief Wharfinger): This has been amended to provide that the responsibilities given to the Chief Wharfinger in the Tariff are to be carried out by the Port's Harbor Master in the Fisherman's Wharf area south of the breakwater between Pier 45 and Aquatic Park, and by the Chief Wharfinger in the remainder of Port property.

Item No. 830 (Wharfinger/Harbor Master Authority): This has been amended to clarify the process of assigning berths through a waiting list.

Item No. 834 (Unauthorized Occupancy): This item has been amended to provide that the Port may tow and dispose of according to law, any vessels mooring or docking on Port property without assignment by the Port, and that the vessel owner claiming the vessel is responsible for all reasonable Port expenses incurred in moving and storing the vessel.

Item No. 839 (Live-Aboards): This item has been added to provide that no vessel may be used as a primary or secondary residence (i.e., accommodation in excess of three nights in any 7-day period), other than a commercial fishing vessel actively engaged in commercial fishing during a recognized fishing season.

Item No. 847 (Disposing of Refuse and Sewage): This item has been amended to require any vessel equipped with a toilet, marine head or other permanent receptacle for human body waste to be equipped with an approved holding tank. If the vessel is not equipped with a permanent receptacle, then it must be equipped with an approved temporary storage receptacle. Because compliance with this amendment will require time and expense for noncomplying vessels, and because the Port does not presently have a pump-out station for disposal of such wastes, the attached Port Commission Resolution provides that noncomplying vessels will be given an extension of time to comply until six months from the date of the Resolution, or the date of operation of a new pump-out facility at Fisherman's Wharf, whichever is later. In any event, Tariff Item 847 currently prohibits the disposal of any type of garbage or sewage into Bay waters.

Item No. 848 (Maintenance of Vessels): This amendment restricts the types of repairs and maintenance permitted at berths. Any major construction work is permitted without Port's permission, must be containable within the confines of the vessel, and must not result in a nuisance to neighboring vessels or the environment. No repairs are permitted outside the confines of a vessel without Port's permission, and any such approved construction must be containable within the confines of the vessel, and must not result in a nuisance to neighboring vessels or the environment.

Item No. 851 (Information to Chief Wharfinger): This amendment requires vessels entering Port jurisdiction to prove demonstrated operability and seaworthiness of vessels and compliance with the rules regarding holding tanks.

Item No. 855 (Maintenance and Care): This new section 855 F. requires berthed vessels to be operable and maintained in seaworthy condition, and be capable of preventing discharges of pollutants. The Port may forfeit any vessel not meeting these criteria after a 90-day period given to the vessel owner to cure the vessel's defects.

Prepared by: Alex Lee, Director of Facilities & Operations

PORT COMMISSION
CITY & COUNTY OF SAN FRANCISCO

RESOLUTION NO. 97-81

WHEREAS, The Port has formed the Fisherman's Wharf Water Quality Advisory Committee, consisting of representatives of recreational users of San Francisco Bay, the fishing and fish processing industry, the San Francisco Maritime National Historic Park, and the Fisherman's Wharf Merchant's Association; and

WHEREAS, One of the first projects undertaken by the Committee was to revise the Port's berthing agreement and sections of the Port's Tariff that are applicable to the fishing industry, in order to better protect water quality; and

WHEREAS, Port staff has determined that the existing Port berthing agreement does not adequately address its concerns regarding water quality, and does not include certain standard City and Port requirements that have been included in other more recently adopted agreements for use of Port property by private parties; and

WHEREAS, The attached Berthing Agreement and Amendments to Port Tariff No. 4 are the result of recommendations of the Committee, in consultation with Port staff and the City Attorney's office, and have been made available for comment to the fishing industry and other users of Fisherman's Wharf; now, therefore, be it

RESOLVED, That the Port Commission hereby adopts the Berthing Agreement in substantially the form attached hereto; and be it further

RESOLVED, That the Port Commission authorizes the Executive Director, or his designee to waive the insurance provisions of Section 14 of the Berthing Agreement only for vessels engaged solely in the commercial fishing industry that do not at any time carry passengers for hire; and be it further

RESOLVED, That the Port Commission hereby authorizes the Executive Director, or his designee, to execute the Berthing Agreement with vessel owners requiring berthing at the Port, and further authorizes the Executive Director, or his designee, to enter into any additions, amendments or other modifications to the Berthing Agreement that the Executive Director or his designee determines, in consultation with the City Attorney, are in the best interests of the Port, are within the applicable rent parameters set forth in the then-current Port Tariff, and do not otherwise materially increase the obligations or liabilities of the Port; and be it further

RESOLVED, That the Port Commission hereby adopts the Amendments to Port Tariff, FMC No. 4 attached hereto, and authorizes the Executive Director to take all such further action as is necessary to implement the Amendments to Tariff; and be it further

RESOLVED, That because compliance with the amendment to Item No. 834 regarding temporary or permanent holding receptacles for human waste will require time and expense for noncomplying vessels, and because the Port does not presently have a pump-out station for disposal of such wastes, vessels not presently complying with Item No. 834 will be allowed six months from the date of the adoption of this Resolution, or the date of operation of a new pump-out facility at Fisherman's Wharf, whichever is later, to comply with the amendments to Item No. 834 only, provided that, in any event, all vessels will continue to be subject to Tariff Item 847 which prohibits the disposal of any type of garbage or sewage (including human waste) into Bay waters.

I hereby certify that the foregoing resolution was adopted by the San Francisco Port Commission at its meeting of September 23, 1997.

_____
Secretary

BERTHING AGREEMENT
PORT OF SAN FRANCISCO
OWNER/VESSEL INFORMATION

BERTH SPACE NO. ____

OWNER(s)

Name(s): _____ _____

Mailing Address: _____ _____

_____ _____

Local Address: _____ _____
(If different)

Telephones Day: ( ) _____ ( ) _____
(Permanent) (Local)

Evening: ( ) _____ Emergency: ( ) _____
Contact #

Vessel Operator: _____
(If other than owner) Name Address

Telephones Day: ( ) _____ Evening: ( ) _____

VESSEL

Name: _____ Home Port: _____

CF # or USCG Document #: _____

Radio Call Letters: _____

Overall Length: _____ Draft: _____ Builder: _____ Builder's Hull #: _____

Insurance Carrier: _____ Policy #: _____

Automobile: _____ _____ _____ _____
(Model) (Year) (License) (State)

Driver's License or I.D.#: _____

Effective Date of Term: _____ **Security Deposit:** $_____

AGREEMENT

The Port of San Francisco, hereinafter called "Port," and Owner, intending to be legally bound, agree as follows:

1. **RENT**.

(a) Owner shall pay rent to Port quarterly, at the initial rate of $_____, per quarter payable in advance on the effective date of the term, as shown above, and every January 1, April 1, July 1, and October 1 thereafter. If the Effective Date of the term is other than the first day of a quarter, or the termination date is other than the last day of a quarter, the rent for that quarter shall be apportioned as the number of days of occupancy bears to that quarter.

(b) Any increases in the above rates will be as specified in the Terminal Tariff, FMC No. 4, Rule No. 34 adopted by the Port Commission and will become effective on the date rent is next due at least thirty (30) days after notice to Owner.

(c) Late Charges. Owner acknowledges that late payment by Owner to Port of rent will cause Port increased costs not contemplated by this Lease, the exact amount of which will be extremely difficult to ascertain. Such costs include, but are not limited to, processing and accounting charges. Accordingly, Owner shall pay a late charge equal to Twenty-Five Dollars ($25) for each quarter of rent that remains due and unpaid for more than thirty (30) days, plus reasonable attorneys' fees incurred by Port by reason of Owner's failure to pay rent when due under this Lease, plus interest on such overdue rent at the highest rate permissible by law. Interest charges will be computed from the date on which the unpaid rent first became due. The parties agree that such late charges represent a fair and reasonable estimate of the cost which Port will incur by reason of any late payment by Owner.

2. **BERTH SPACE**. Port, subject to its right to reassign the space as set forth below, hereby rents space for berthing of the above-described vessel in the berth number referenced above, located at the San Francisco Fisherman's Wharf Harbor in the City and County of San Francisco, and Owner rents the space from Port.

3. **CHANGE OF BERTH**. The Port reserves the right to require the Owner to move the vessel from the berth assigned herein to another berth within the Harbor at any time upon 24 hours' prior notice, if deemed in the reasonable determination of the Chief Wharfinger to further the prudent managment and operation of the Harbor. If the Owner is unavailable or fails to move the vessel as requested, the Port reserves the right to move the vessel on behalf of the Owner. Owner hereby grants to the Port permission to board the vessel for said purposes. If Owner fails to or refuses to remove its vessel, then neither Port nor any of its officers, agents or employees shall have any liability for loss or damage resulting from any such movement of the vessel or from any failure or refusal of Owner to move the vessel.

4. **NONEXCLUSIVE USE**. Port also reserves the right to allow other vessels to use the assigned berth space assigned herein on a temporary basis while the above-named vessel is away from Harbor for a period in excess of 7 days, without any refund or deduction of rent. Port will make reasonable efforts to ensure that the assigned berth space is vacant and ready to be re-occupied by the above-described vessel after it returns to Harbor if Owner notifies Port at least one (1) business day in advance of the return of the vessel. The operator of the vessel shall notify Port at any time the vessel is expected to be out of port for more than seven (7) days and indicate the approximate date it is expected to return.

5. **TERM**. This agreement will remain in effect until either party terminates it upon thirty (30) days advance notice in writing to the other. Once the vessel has been removed after early termination, Port shall recompute the rent amount under this agreement at the monthly rate then in effect and Port shall refund to owner any excess amount paid by owner, provided the owner is not then in default or violation of this agreement. The Port also may terminate this Agreement immediately for Owner's failure to pay when due any rent or fees provided for herein, for Owner's failure to comply with any rules, regulations or ordinances of the Port, or for any other default of any obligation by Owner if said amounts are not paid or other default not cured within ten (10) days after written notice of the default. Upon written notice of termination by Port, Owner shall immediately remove the vessel from the assigned berth and out of and away from the Port's facilities.

6. **FORFEITURE OF LONG-TERM RENTAL RATE**. Without limiting any other remedies available to Port, if Owner fails to pay the quarterly berthing rent within thirty (30) days after it becomes due, then Owner shall be deemed to have abandoned the quarterly method of payment and selected the daily method of payment at the daily transit assignment rates then in effect. Said daily rent shall be paid in advance by Owner to Port at the time provided in the Tariff Item No. 880.

7. **LIENS**. By execution of this agreement, Owner acknowledges that pursuant to Harbors and Navigation Code Sections 491, 501, the Federal Maritime Lien Act (46 U.S.C. Sections 971-975) and by the terms of this agreement, Port shall have a lien on the vessel for money which may become due under this agreement. Pursuant to said statutory lien, Port has the right to take possession and control of the vessel and remove and store the vessel for the purpose of perfecting and executing upon Port's statutory lien rights in the vessel.

8. **REMEDIES CUMULATIVE**. All rights and remedies provided the Port herein are cumulative, and are in addition to any other rights and remedies provided under this agreement or under law.

9. **ATTORNEY'S FEES**. If either party hereto brings any action against the other party for any reason arising out of this Agreement, the prevailing party will be entitled to recover from the other party its costs and expenses of suit, including but not limited to reasonable attorneys' fees related to the action or an appeal of the action, whether or not such action is prosecuted to judgment. "Prevailing party" includes, without limitation, a party who substantially obtains or defeats, as the case may be, the relief sought in the action, whether by compromise, settlement, judgment or the abandonment by the other party of its claim or defense. Reasonable fees of attorneys of the City's Office of the City Attorney shall be based on the fees regularly charged by private attorneys with an equivalent number of years of professional experience (calculated by reference to earliest year of admission to the Bar of any State) who practice in San Francisco in law firms with approximately the same number of attorneys as employed by the Office of the City Attorney.

10. **NOTICE**. All notices required or allowed under this Agreement shall be duly given by the Port upon mailing, postage prepaid, to Owner or Operator at an address written in above, by personal delivery to Owner or Operator or by posting on the vessel. Notice to Port shall be duly given upon receipt at the Port office at the following address:

    Port of San Francisco
    3100 Ferry Bldg.
    San Francisco, CA 94111
    Attn: Harbor Master
    Fisherman's Wharf

11. **RISK OF LOSS**. Owner shall use slips and facilities at Owner's own risk. Port shall not be responsible for the care or protection of the vessel (including gear, equipment or contents) for the performance of any services with respect to Owner's vessel. Port shall not be liable for any loss, injury or damage to the vessel or the Owner, Owner's agents, employees, or guests, or any consequential or incidental damages, whether caused by the condition of the Port's facilities or any other cause. By taking possession of the premises, Owner shall be deemed to have examined the condition of the premises and accepted the premises in its "as-is" condition and as being suitable for its purposes. Owner acknowledges that Port has made no representation or warranties of any kind as to the condition of the Port's floats, walkways, dock, equipment, slips or any property whatsoever owned by Port.

12. **INDEMNIFICATION**.

a. Indemnity. The Owner shall indemnify and hold Port, City, and their agents, directors, contractors and employees (collectively, "Agents") harmless from, and, if requested, shall defend them against all claims, damage, or loss, arising directly or indirectly from any of the following, even if the Port's, City's or their Agents' negligence contributes to the claim, damage or loss:

(a) any injury to or death of any person or damage to any property, occurring on or about the Premises, arising from the Owner's use of the Premises or any part of the Premises, or the use of the Premises or any part of the Premises by a third party with the Owner's permission, excepting a third party using the berth with Port's permission under Section 4 hereof.

(b) any release or discharge, or threatened release or discharge, caused or allowed by Owner of any hazardous material on, under or about the Premises, or into the environment; or

(c) all litigation expenses, including but not limited to attorneys' fees and court costs, relating to any claim, damage or loss.

b. Terms of Indemnity. A court shall enforce this indemnity except to the extent that this indemnity is void or otherwise unenforceable under applicable law in effect on, or retroactive to, the date of this indemnity. This indemnity excludes claims, damage or loss resulting exclusively from the wilful misconduct of Port or City which is not contributed to by any act of, or by any omission to perform some duty imposed by law or agreement on, Owner, its agents or invitees.

Owner must immediately defend Port and City from any claim which actually or potentially falls within this indemnification provision, even if the allegations are false. Owner's obligation to defend will arise at the time the Port or City tenders the claim to Owner and will continue thereafter. This indemnity will survive the termination of Owner's use of the Premises with respect to any damage, destruction, injury or death occurring prior to such termination.

c. Exculpation. Owner, as a material part of the consideration to be rendered to Port, waives all claims against Port, City and their Agents, and shall hold Port, City and their Agents harmless from any claims for damages to goods, goodwill, equipment, business opportunities and persons on or about the Premises for any cause arising at any time. This exculpation includes, without limitation, all claims arising from the joint or concurrent negligence of Port or City or their Agents, but excludes any intentionally harmful acts committed solely by Port or City.

13. **DAMAGE TO PORT PROPERTY**. Owner agrees to pay, on demand of Port, for all damage done to Port's property or facilities by Owner or the vessel or by Owner's agents, employees or representatives. In the event of damage to pilings, the amount of damages that Owner is responsible for under this Section will take into account the prior condition and remaining useful life of the pile.

14. **INSURANCE**. **[The following paragraph shall apply only to vessels that carry passengers for hire, including without limitation, sport fishing boats, tour boats, and fishing boats engaging in Bay tours. It does not apply to vessels engaged solely in the commercial fishing industry that do not at any time carry passengers for hire]:**

At all times while this agreement remains in effect, or this agreement has terminated but vessel has not been removed from the Port facilities, Owner shall maintain in force a policy of complete Protection and Indemnity (Watercraft Liability) insurance insuring against liability for injury to or death of any persons, or damage to or destruction of any property, in an amount of not less than $1,000,000.00 combined single limit for any one accident or occurrence. Owner shall furnish to Port evidence satisfactory to Port, both as to form and carrier, of such insurance, naming Port, City and County of San Francisco, their officers, agents and employees as additional or coinsured. Such policy or policies shall cover claims for personal injury and death and for property damage arising in connection with or out of the use of the licensed space, including the wharves, piers, or floats used in connection with this license, loading and unloading of passengers, and the applicants operations in the licensed areas or in the vicinity thereof. The policy shall not be changed or canceled except upon not less than thirty (30) days prior written notice to Port. Neither the requirement for, nor the furnishing of such insurance, nor the amount thereof, shall limit any obligation, responsibility or liability of owner under this agreement or at law.

15. **SECURITY DEPOSIT**. Upon execution of this agreement, Owner shall pay to the Port a security deposit in the amount set forth above as security for the faithful performance of the Owner's obligations hereunder. Port may, at its option, claim from the security deposit such amounts as are reasonable necessary to remedy Owner's monetary defaults in the payment of rent and other charges, to repair damages to the mooring or the dock caused by the vessel or Owner, exclusive of the normal wear and tear, or to clean the mooring, if necessary, upon termination of this agreement. In the event the security deposit or any portion thereof shall be applied as provided herein, Owner agrees to deposit with Port within ten (10) days after written demand an amount sufficient to restore the security deposit to its original amount, and failure to do so shall constitute a breach of this agreement. Port shall have the right to commingle the security deposit with other funds of Port and no interest shall accrue or be paid with respect to the security deposit. Within thirty (30) days after the vessel has been permanently removed from the mooring, Port shall furnish Owner with an itemized written statement of the basis for and the amount of the security deposit applied in accordance with this agreement, and Port shall return any remaining portion of the security deposit without interest to the Owner.

16. **OTHER RULES & REGULATIONS**. Owner agrees to comply with and abide by all of the terms and provisions of this Agreement and with all applicable laws, rules, and regulations, including, without limitation, all applicable ordinances, rules and regulations of the Port set forth in Tariff No. 4, as amended from time to time. Owner acknowledges receipt of a copy of Terminal Tariff, FMC No. 4 and

the current schedule of assignment rates, and the "Notice to Vessel Owners and Operators."

17. **EMERGENCY**. In case of emergency, Port is hereby authorized to move Owner's vessel without liability to the Port and/or Port personnel for damages or loss of any kind, except for damage occurring as a result of the willful misconduct of Port. Owner hereby guarantees Port reasonable compensation for such moving.

18. **RIGHT TO CANCEL**. If this agreement is initially made by an operator other than the Owner, the Port reserves the right to cancel this agreement without prior notice if it is not signed by the Owner and returned to Port within thirty (30) days of the effective date of the term.

19. **JOINT OBLIGATION**. If more than one person and/or entity is a party to this agreement as Owner, the obligations of all such persons and/or entities shall be joint and several.

20. **TAXES AND ASSESSMENTS**. Licensee agrees to pay to the proper authority any and all taxes, assessments and similar charges on the License Area in effect at the time this License is entered into, or which become effective thereafter, including all taxes levied or assessed upon the possession, use, or occupancy, as distinguished from the ownership to the License Area. Licensee, on behalf of itself and any permitted successors and assigns, recognizes and understands that this License may create a possessory interest subject to property taxation and that Licensee, and any permitted successor or assign may be subject to the payment of such taxes. Licensee, on behalf of itself and any permitted successors and assigns, further recognizes and understands that any assignment permitted hereunder and any exercise of any option to renew or extend this License may constitute a change in ownership for purposes of property taxation and therefore may result in a revaluation of any possessory interest created hereunder.

21. **CITY REQUIREMENTS**.

a. MacBride Principles-Northern Ireland. City urges companies doing business in Northern Ireland to move towards resolving employment inequities and encourages such companies to abide by the MacBride Principles. City urges San Francisco companies to do business with corporations that abide by the MacBride Principles.

b. Tropical Hardwood Ban. City urges Licensee not to import, purchase, obtain, or use for any purpose, any tropical hardwood or tropical hardwood product.

c. Non-Discrimination in City contracts and Benefits Ordinance

(a) Covenant Not to Discriminate. In the performance of this License, Licensee covenants and agrees not to discriminate on the basis of the fact or perception of a person's race, color, creed, religion, national origin, ancestry, age, sex, sexual orientation, gender identify, domestic partner status, marital status, disability or Acquired Immune Deficiency Syndrome or HIV status (AIDS/HIV status) against any employee of any City employee working with or applicant for employment with Licensee, in any of Licensee's operations within the United States, or against any person seeking accommodations, advantages, facilities, privileges, services, or membership in all business, social, or other establishments or organizations operated by Licensee.

(b) Subcontracts. Licensee shall include in all subcontracts relating to the Premises a non-discrimination clause applicable to such subcontractor in substantially the form of subsection (a) above. In addition, Licensee shall incorporate by reference in all subcontracts the provisions of Sections 12B.2 (a), 12B.2 (c)-(k) and 12C.3 of the San Francisco Administrative Code and shall require all subcontractors to comply such provisions. Licensee's failure to comply with the obligations in this subsection shall constitute a material breach of this License.

(c) Non-Discrimination in Benefits. Licensee does not as of the date of this License and will not during the Term, in any of its operations in San Francisco or where the work is being performed for the City or elsewhere within the United States, discriminate in the provision of bereavement leave, family medical leave, health benefits, membership or membership discounts, moving expenses, pension and retirement benefits or travel benefits (collectively "Core Benefits") as well as any benefits other than the Core Benefits between employees with domestic partners and employees with spouses, and/or between the domestic partners and spouses of such employees, where the domestic partnership has been registered with a governmental entity pursuant to state or local law authorizing such registration, subject to the conditions set forth in Section 12.2(b) of the San Francisco Administrative Code.

(d) HRC Form. On or prior to the Commencement Date, Licensee shall execute and deliver to Port the "Nondiscrimination in contracts and Benefits" form approved by the San Francisco Human Rights Commission.

(e) Incorporation of Administrative Code Provisions by Reference. The provisions of Chapters 12B and 12C of the San Francisco Administrative Code relating to non-discrimination by parties contracting for the lease of City property are incorporated in this Section by reference and made a part of this Agreement as though fully set forth herein. Licensee shall comply fully with and be bound by all of the provisions that apply to this License under such Chapters of the Administrative Code, including but not limited to the remedies provided in such Chapters. Without limiting the foregoing, Licensee understands that pursuant to Section 12B.2(h) of the San Francisco Administrative Code, a penalty of $50 for each person for each calendar day during which such person was discriminated against in violation of the provisions of this License may be assessed against Licensee and/or deducted from any payments due Licensee.

CITY AND COUNTY OF SAN FRANCISCO, by and through the SAN FRANCISCO PORT COMMISSION,

By: _____
Its: Harbor Master

Date: _____

G:\NHS\LEASES\BERTH3.AGT

_____
Owner

_____
Owner

_____
Operator

AMENDMENTS TO PORT TARIFF NO. 4

ITEM NO. 800 DEFINITIONS OF TERMS USED IN THIS SECTION [amend the definition of "Chief Wharfinger" as follows:]

CHIEF WHARFINGER shall mean the Chief Harbor Master and his or her designee for the area at Fishermen' Wharf that is the area south of the breakwater between Pier 45 and Aquatic Park, and shall mean the Chief Wharfinger for all other areas within Port jurisdiction, and his or her designee.

ITEM NO 830 WHARFINGER/HARBOR MASTER AUTHORITY [amended in its entirety to read as follows]:

The owner or operator of any vessel entering the jurisdiction of the San Francisco Port Commission shall immediately check in with the Chief Wharfinger, or his or her designee before being assigned a berthing assignment or transient berthing space. Applications for berths shall be made by the legal owner to the Chief Wharfinger on the form furnished, along with a $100 application fee. Such fee is refundable to the applicant should he or she remove their name from the Port's berthing assignment waiting list. Upon obtaining a berth, the fee will be applied to the Security Deposit, and any remaining amount to dockage charges. Berth assignments will be made in the chronological order of receipt of applications, based on the type of vessel and the availability of berths for the size of the vessel to be accommodated and the service in which it is employed.

ITEM 834 UNAUTHORIZED OCCUPANCY [Amended in its entirety to read as follows]:

(a) No vessel of any nature shall occupy a stall or berth or mooring within the jurisdiction of the Port of San Francisco without assignment by the Chief Wharfinger.

(b) The berthing, docking or mooring of a vessel without assignment, except in case of marine disaster or other extreme emergency, will subject the vessel, her owners, and/or her operator, to a penalty charge of thirty dollars per hour or fraction thereof, for the time that the vessel so occupies the berth, stall or mooring.

(c) Any vessel of any nature that occupies a stall, berth, or mooring in violation of this Section for an excess of 3 hours, whether registered with the California Department of Motor Vehicles, documented, or not marked or registered in any apparent manner, may be placed in storage or protective custody by the Chief Wharfinger until claimed by the property owners or until such property is disposed of according to law. If the owner claims such property prior to disposition thereof, he shall pay all reasonable expenses incurred in connection therewith, including charges for raising, keeping and storing the same.

ITEM NO. 839 LIVE-ABOARDS

No vessel except a Commercial Fishing Vessel as defined in Item No. 800 hereof, actively engaged in commercial fishing activity and during a recognized fishing season shall be used as a primary or secondary residence. For purposes of this Tariff, any vessel used as an overnight accommodation for one or more persons in excess of 3 nights in any seven day period will be considered a residence. The Chief Wharfinger's determination as to whether or not any person or persons has been using the vessel as a residence shall be final and binding on the vessel owner or occupant.

ITEM No. 847 DISPOSING OF REFUSE AND SEWAGE [amended to add the following item C.]

C. If a vessel is equipped with a toilet, marine head, or other permanent receptacle for human body wastes, then the vessel must be equipped with a holding tank meeting Coast Guard specifications, or such other receptacle approved by the Chief Wharfinger, designed to retain all contents deposited in the receptacle until such time as such contents may be discharged into a sanitary sewer system or discharged otherwise in accordance with law. If a vessel is not equipped with a toilet, marine head, or other permanent receptacle for human body wastes, the vessel shall be equipped with a temporary receptacle approved by the Chief Wharfinger, designed to retain all contents deposited in the receptacle until such time as such contents may be discharged into a sanitary sewer system or discharged otherwise in accordance with law. The Chief Wharfinger is authorized to board vessels to inspect such holding tanks from time to time upon demand.

ITEM NO. 848 MAINTENANCE OF VESSELS [amended in entirety]

A. Repairs Within Confines of Vessels. Repairs to and maintenance of a vessel may be made or accomplished while such vessel is at its berth, provided that all such work is done within the confines of the vessel itself and is not carried on in any manner whatsoever upon floats, gangways or docks. All materials used in such repair or maintenance work must also be kept within the confines of the vessel and may not be kept upon floats, gangways or docks. Spray painting is not permitted. Repairs and maintenance shall be limited to that ordinarily required to keep a vessel seaworthy and in good condition. No major construction work which would tend to make a vessel unseaworthy or unsightly shall be undertaken within the jurisdiction of the Port of San Francisco without prior written permission of the Chief Wharfinger. The criteria for granting permission shall be based primarily on the ability of all materials used by or produced from the repair project to be completely contained in or on the vessel, and that a nuisance to neighboring vessels or the environment would not occur.

B. Repairs Outside Confines of Vessel. Repairs to and maintenance of a vessel to be accomplished outside of the confines of the vessel itself shall require the prior written permission of the Chief Wharfinger. The criteria for granting permission shall be based primarily on the availability of suitable area for the work and that a nuisance to neighboring vessels or the

environment would not occur.

ITEM NO. 851 REGISTRATION AND NUMBERING/CHANGE OF OWNERSHIP: FURNISHING INFORMATION TO THE CHIEF WHARFINGER [amended as follows]:

All owners of vessels, when entering the jurisdiction of the San Francisco Port Commission, and from time-to-time upon demand, shall furnish all information relating to the vessel and the ownership thereof as may reasonably be required by the Chief Wharfinger, including without limitation, proof of ownership and current U.S. Coast Guard or State of California registration, current mailing address and telephone number, demonstrated operability and seaworthiness of the vessel, and proof of compliance with Item No. 847.C of this Tariff (regarding holding tanks or other receptacles). All owners of vessels entering the jurisdiction of the San Francisco Port Commission shall notify Port immediately of any sale or transfer of ownership of vessels.

ITEM NO. 855 MAINTENANCE AND CARE IN BERTHING OR MOORING VESSELS/INOPERABLE VESSELS [amended to add the following new section F]

F. Vessels berthed in regular slips must be operable and maintained in a seaworthy condition and be of a design suitable for operation on the open waters of San Francisco Bay in the typical range of sea conditions. "Operable" means capable of safely maneuvering under the vessels' own power from the berth, out into San Francisco Bay to circumnavigate Alcatraz Island, back into its berth. "Seaworthy" shall mean that the vessel's hull, keel, decking, cabin and mast are structurally sound, generally free from dry-rot, and capable of preventing dishcharges of pollutants, including, without limitation, petroleum products, contaminated bilge water, and human wastes. If the Chief Wharfinger has cause to question the operability or seaworthiness of a vessel, he may request a demonstration of the vessels' operability or seaworthiness. In the event of a dispute between the Chief Wharfinger and the vessel owner, the Chief Wharfinger may obtain the opinion of a qualified independent marine surveyor of his choosing at the owner's expense. Thirty days written notice shall be given to the vessel's owner for such a request. In cases where a vessel is found to be inoperable or unseaworthy, the owner shall have 90 days to effect repairs. If after 90 days the boat is still inoperable or unseaworthy, the berth will be forfeited to the Port, and the Chief Wharfinger may take possession and custody of such vessel until claimed by the property owner or until such property is disposed of according to law. If the owner claims such property prior to disposition thereof, he shall pay all reasonable expenses incurred in connection therewith, including charges for raising, keeping and storing the same. The determination of the Chief Wharfinger as to the operability or seaworthiness of the vessel shall be binding.

RULES AND REGULATIONS

RULE NO. 34. TERMINAL TARIFFS

08. SECTION 8 - FISHING INDUSTRY

8A. FISHING INDUSTRY - DEFINITIONS OF TERMS

ITEM NO. 800 DEFINITIONS OF TERMS USED IN THIS SECTION

CHIEF WHARFINGER shall mean the Chief Wharfinger, San Francisco Port Commission of the City and County of San Francisco, or his designated representative.

COMMERCIAL FISHING VESSEL for the purpose of this Section 8 shall mean a vessel that is so registered with the San Francisco Tax Assessor, that is self-propelled, that was designed for and is primarily used for catching fish or which has been converted into a vessel which is primarily used for catching fish, that subsequently sells or delivers said fish to a processing plant or receiving station and that during the 12-month period preceding the making of an application for a permit provided for in this Section, complied with one of the following:

(1) Said vessel was used to catch at least 10 tons of fish; or

(2) Said vessel was used to catch fish with a commercial value of at least $10,000.00; or

(3) Said vessel earned ten California Department of Fish & Game fish receipts showing landing of catch at Port of San Francisco facilities.

RULES AND REGULATIONS

RULE NO. 34. TERMINAL TARIFFS

8A. FISHING INDUSTRY - DEFINITIONS OF TERMS

The Executive Director may issue a Temporary Commercial Fishing Vessel Berth Assignment to a licensed fishing vessel qualifying it and its owner and/or operator for all privileges accorded a Commercial Fishing Vessel, although the vessel does not meet the requirements of this Item. If in the judgment of the Executive Director, unusual occurrences such as the medical incapacity of the operator, major physical or extensive mechanical, but repairable, damage to the vessel, unavailability of fish, or acquisition of a new Commercial Fishing Vessel, or any other condition beyond the control of the owner and/or operator which is considered to be an overriding consideration which prevents fulfillment of the requirements of this item. This temporary assignment may be issued on a quarterly basis, not to exceed 12 months in any three year period.

FISH, when used in this Section, shall mean fish viz. fresh and/or shellfish.

FISHING PARTY BOAT is one that is licensed by the United States Coast Guard to carry passengers for hire for sport fishing.

HISTORICAL COMMERCIAL FISHING VESSEL, for the purposes of this Section, is a boat that was built prior to 1940, is of original construction, was built for the purposes of commercial fishing and is pertinent to the history of Fisherman's Wharf. Preferential Assignment rates shall apply.

PLEASURE BOAT is one used by the owner(s) and/or others for recreation fishing or pleasure riding. Pleasure Boat rates shall apply.

TON as used in this Section refers to 2,000 pounds weight.

RULES AND REGULATIONS

RULE NO. 34. TERMINAL TARIFFS

8A. FISHING INDUSTRY - DEFINITIONS OF TERMS

ITEM NO. 810 GEOGRAPHIC SCOPE

Except as otherwise provided in this Section, the rates and regulations described in this Section apply at Fisherman's Lagoon, Piers 33, 45, 47, 49 and any other wharf or locality under the jurisdiction of the San Francisco Port Commission which may be used by a fishing vessel.

ITEM NO. 820 WHARFINGER AUTHORITY

The Chief Wharfinger, acting under the orders and supervision of the Port Director, subject to the approval of the San Francisco Port Commission, shall have full authority in the interpretation and enforcement of all rules, regulations and rates pertaining to this Section 8, and all orders given in the performance of his duties shall be obeyed.

Every boat entering the jurisdiction of the San Francisco Port Commission shall immediately become subject to the authority and direction of the Chief Wharfinger.

Each boat shall be berthed in the space assigned by the Chief Wharfinger.

RULES AND REGULATIONS

RULE NO. 34. TERMINAL TARIFFS

8B. FISHING INDUSTRY - BERTH ASSIGNMENTS

ITEM NO. 830 APPLICATION PROCESS

Applications for berths shall be made by the legal owner to the Chief Wharfinger on the form furnished along with a $100 application fee. Such fee is refundable to the applicant should he or she remove their name from the list. Upon obtaining a berth, the fee will be applied to dockage charges. Berth assignments will be made in the chronological order of receipt of applications, based on the type of boat and the availability of berths for the size of the boat to be accommodated and the service in which it is employed.

ITEM NO. 831 BERTH ASSIGNMENTS

Berth Assignments are classified and defined as follows and are approved and assigned by the Chief Wharfinger:

(a) Preferential Assignment is the priority right granted a person to use a certain stall space at Fisherman's Lagoon, including such improvements and areas as are designated in the assignment. Commercial Fishing Vessels, Historical Commercial Fishing Vessels and Fishing Party Boats shall be given priority over Pleasure Boats for these stalls.

(b) Non-preferential Assignment is the permission granted a person, who regularly berths his boat at Fisherman's Wharf or any facility under the jurisdiction of the San Francisco Port Commission, to dock at a certain berth or facility, including the use of such improvements and areas as are designated in the assignment.

(c) Transit Assignment is the permission granted a person, who, on occasion, brings his boat into the harbor for seasonal fishing, repairs, or for any other reason, to dock or moor at a certain berth or facility under the jurisdiction of the San Francisco Port Commission and to use such improvements and areas as are designated in the assignment.

RULES AND REGULATIONS

RULE NO. 34. TERMINAL TARIFFS

8B. FISHING INDUSTRY - BERTH ASSIGNMENTS

All berth assignments shall be held by the assignees subject to the provisions of this Tariff, to the charges, rates, rules and regulations applicable thereto, and to all of the terms, conditions and provisions contained in any such assignments.

During the month of July of each year or at any other time upon the request of the Chief Wharfinger, every boat owner must provide to the Chief Wharfinger written documentation of current ownership of the boat. Said documentation will be either U.S. Coast Guard documentation or State of California registration.

ITEM NO. 832 RIGHT OF APPROVAL

The Chief Wharfinger may disapprove any berth assignment for failure to comply with the terms of this Tariff 3-C, for an unseaworthy boat, for a history of non-payment of charges or if the berth available would not be safe for the intended boat.

ITEM NO. 833 PRIVILEGE OF TERMINATION BY PORT

Any use permitted of property by the San Francisco Port Commission specified in this Section may be terminated by Port at any time on thirty days notice to the assignee.

ITEM NO. 834 UNAUTHORIZED OCCUPANCY

(a) No boat shall occupy a stall or berth or mooring within the jurisdiction of the Port of San Francisco without assignment by the Chief Wharfinger.

(b) The berthing, docking, or mooring of a boat without assignment, except in case of marine disaster or other extreme emergency, will subject the boat, her owners, and/or her operator, to a penalty charge of thirty dollars ($30.00) per hour or fraction thereof, for the time that the boat so occupies the berth, stall or mooring.

(c) Any boat that occupies a stall, berth, or mooring in violation of this Section may, after three hours written notice period, immediately be towed to storage at the boat owner's expense at the direction of the Chief Wharfinger.

RULES AND REGULATIONS

RULE NO. 34. TERMINAL TARIFFS

8B. FISHING INDUSTRY - BERTH ASSIGNMENTS

ITEM NO. 835 ASSIGNMENTS NOT TRANSFERABLE

It is the intent of this Section that no person shall acquire a boat berthed at the Port of San Francisco for the sole purpose of acquiring the berthing assignment. Therefore, transfer of berth assignments are prohibited except as provided below:

(1) Assignments may be transferred by the Chief Wharfinger between owners to facilitate the berthing of boats.

(2) Assignments of Commercial Fishing Vessels, Fishing Party Boats or Historical Commercial Fishing Vessels may be transferred with the written approval of the Director of Maritime Affairs provided such transfer does not violate the intent of this Section and the new owner meets all of the requirements in the definitions for said vessels. Requests for such transfers shall be made in writing. Transfers will not be allowed for pleasure boats.

ITEM NO. 836 TEMPORARY VACATING - RIGHT TO SUBLET

The holder of preferential berth assignment who desires to temporarily vacate his berth for a period of six (6) months or less, may, subject to the written approval of the Chief Wharfinger, sublet said berth at the same rate assessed by the Port for the mooring of a boat within the classification of the berth. The assignee in such instance, shall continue to be responsible for the payment of dockage, any taxes incidental thereto, including possessory interest tax, and for any damage. The assignment shall continue in the name of the original holder. At the expiration of the sublet period, the assignee and the sublessee of the berth must relinquish the berth if the assignee does not move his own boat back in.

RULES AND REGULATIONS

RULE NO. 34. TERMINAL TARIFFS

8B. FISHING INDUSTRY - BERTH ASSIGNMENTS

ITEM NO. 837 USE REQUIRED OF ASSIGNMENT

An assignee who occupies his assigned berth, with his own boat, for a total of less than six (6) months in any twelve (12) month period shall be cancelled. The only exception to this rule, which would also function as an extension of the six (6) month sublet rule, shall be an extended absence for extensive repairs to the boat. The Chief Wharfinger shall be informed in writing prior to the absence thereof, and such absence is subject to the written approval of the Chief Wharfinger.

ITEM NO. 838 USE OF BERTHS

The holder of a preferential or non preferential berth assignment of a specific size has no preemptive right to a larger berth in the event he purchases a larger boat.

Mooring of a boat, larger than the berth assigned, is not permitted.

The Chief Wharfinger shall have the authority to move or relocate any boat if such change is required for the safety and protection of persons or property or is necessary in order to obtain optimum utilization of available facilities.

RULES AND REGULATIONS

RULE NO. 34. TERMINAL TARIFFS

8C. FISHING INDUSTRY - GENERAL RULES AND REGULATIONS

ITEM NO. 845 COMPLIANCE WITH FEDERAL, STATE AND LOCAL RULES AND REGULATIONS

All persons shall comply with all of the Rules and regulations adopted by the United States of America, State of California, and local agencies with regard to water safety requirements and operation and maintenance of boats.

ITEM NO. 846 VIOLATION OF RULES AND REGULATIONS

A. An applicant for a berth assignment agrees by his signature on the application form, to comply with these rules and regulations and all applicable provisions of this Tariff 3-C.

B. The Chief Wharfinger shall have the right to deny the use of Port facilities and to cancel the berth assignment and require removal of any boat of any owner, who in the opinion of the Chief Wharfinger, fails to comply with the rules and regulations of this Tariff 3-C.

ITEM NO. 847 DISPOSING OF REFUSE AND SEWAGE

A. No person shall throw, discharge or deposit from any vessel or from the shore or float or otherwise any kind of refuse or sewage whatsoever into or upon the waters of the harbor, or in, on or upon the banks, walls, sidewalks, or beaches of any waters within the jurisdiction of the San Francisco Port Commission. All garbage must be removed from the area.

B. No person shall dump or discharge oil, spirits, flammable liquids or contaminated bilge water into any area under the jurisdiction of the San Francisco Port Commission.

RULES AND REGULATIONS

RULE NO. 34. TERMINAL TARIFFS

8C. FISHING INDUSTRY - GENERAL RULES AND REGULATIONS

ITEM NO. 848 MAINTENANCE OF VESSELS

Repairs to and maintenance of a vessel may be made or accomplished while such vessel is at its berth, provided all such work is done within the confines of the vessel itself and is not carried on in any manner whatsoever upon floats, gangways or docks. All materials used in such repair or maintenance work must also be kept within the confines of the vessel and may not be kept upon floats, gangways or docks. Spray painting is not permitted.

ITEM NO. 849 SOLICITATION, ADVERTISING, AND SIGNS

Solicitation, advertising and signs in the Fisherman's Wharf area, without a permit, are prohibited.

ITEM NO. 850 VESSEL TRAFFIC WITHIN THE HARBOR

A. All vessels approaching or within the jurisdiction of the San Francisco Port Commission must be operated in a safe and prudent manner and in no event shall the entrance to the harbor be blocked by general boating activities or fishing.

B. The speed of any vessel within Fisherman's Wharf shall not exceed five (5) miles per hour except under emergency conditions.

C. Fisherman's Wharf Lagoon shall only be used for the purpose of entering or leaving a berth and necessary maneuvering in connection therewith.

ITEM NO. 851 REGISTRATION AND NUMBERING: FURNISHING INFORMATION TO THE CHIEF WHARFINGER

The owners of vessels entering the jurisdiction of the San Francisco Port Commission shall furnish all information relating to the vessel and the ownership thereof as may reasonably be required by the Chief Wharfinger. Vessels must be either currently registered or documented.

RULES AND REGULATIONS

RULE NO. 34. TERMINAL TARIFFS

8C. FISHING INDUSTRY - GENERAL RULES AND REGULATIONS

ITEM NO. 852 DAMAGE TO PROPERTY

The owner of a vessel assumes all liability for loss and damage to his property of any kind while it is within the Port's jurisdiction. The Port assumes no risk or liability on account of fire, theft, Act of God, or damages of any nature to vessels or their contents.

ITEM NO. 853 ACCIDENT REPORTS

A copy of any report of any accident occurring in the jurisdiction of the San Francisco Port Commission involving any one or more vessels shall immediately be filed with the Chief Wharfinger.

ITEM NO. 854 HAZARDOUS OBSTRUCTION PROHIBITED

A. Floats, gangways, tops of lockers and docks shall be kept clear at all times of skiffs, tenders, miscellaneous gear, debris or other hazards.

B. Any condition aboard or around any boat, float, or gangplank caused by the assignee or boat owner or operator,which, in the opinion of the Chief Wharfinger constitutes a fire hazard, health menace, or danger to public safety, shall be corrected or removed immediately to the satisfaction of Chief Wharfinger. In the event of the refusal or neglect of the boat owner or operator or assignee to remedy forthwith the aforesaid condition, the Port may remove the cause of the complaint and assess such boat owner or operator or assignee for all such costs.

C. Boating platforms or ladders on floats shall be permitted, subject to the approval of the Chief Engineer.

D. No person shall build or place in or about the harbor any structures, such as walkways,without prior written approval of the Chief Engineer.

RULES AND REGULATIONS

RULE NO. 34. TERMINAL TARIFFS

8C. FISHING INDUSTRY - GENERAL RULES AND REGULATIONS

ITEM NO. 855 MAINTENANCE AND CARE IN BERTHING OR MOORING VESSELS

A. All vessels shall be berthed and secured with proper care and equipment, and such berthing or equipment shall be maintained at all times in such condition as to meet with the approval of the Chief Wharfinger.

B. No person shall bring into, moor or berth within Fisherman's Wharf any vessel of any kind whatsoever which is so unseaworthy or in such badly deteriorated condition that it may cause damage to docks, floats or other vessels or which may become a menace to navigation, except in cases of extreme emergency in which case the owner will be liable for any damage caused by such vessel. For the purposes of this Section, the Chief Wharfinger shall be the sole judge as to the condition of the vessel.

C. In the event a vessel or other craft is wrecked or sunk within the Port's jurisdiction it shall be the owner's responsibility to mark its position and provide for the immediate raising and disposition of such vessel or craft and assume all liability for damage to Port property or other vessels as a result of said wrecking, sinking, raising or disposition.

D. Small tenders and row boats are permitted to be moored, if kept by and for the use of the assignee and berthed within the limits of the assigned berth. Under no circumstances shall the area covered by a pier or wharf be used to store materials or harbor floating objects of any description.

E. Damage to fixed ladders in any berth assignment will be repaired or replaced by Port at the expense of berth assignee.

PORT OF SAN FRANCISCO

MEMORANDUM
September 16, 1997

Ferry Building
San Francisco, CA 94111
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Cable SFPORTCOMM
Writer

TO: MEMBERS, PORT COMMISSION
Hon. Michael Hardeman
Hon. Denise McCarthy
Hon. Frankie Lee
Hon. James Herman
Hon. Kim Brandon

FROM: Douglas Wong
Executive Director

SUBJECT: Item 7A - Proposed Amendments to the San Francisco General Plan and Planning Code to Implement the Waterfront Land Use Plan and its Waterfront Design & Access Element

RECOMMENDATION:
Informational Briefing; No Action Required

Summary

With the Commission's adoption of the final Waterfront Land Use Plan (*Waterfront Plan*) in June, Port staff have worked closely with the Planning Department staff to prepare proposed amendments to the City's General Plan and Planning Code, which are attached in Exhibits A - C The General Plan amendments are proposed by the Planning Commission staff to establish a consistent set of land use policies to guide implemenetation of Port projects under the *Waterfront Plan* and its *Design & Access element*. The proposed Planning Code and Zoning Map amendments are proposed by the Port. Both sets of proposed amendments require approval by the Planning Commission and Board of Supervisors. The proposed amendments are scheduled for Planning Commission public hearings and action in September and October, with subsequent hearings and action by the Board later this fall.

Most of the proposed amendments were prepared and released to the public in June 1996, so that they could be analyzed in the Waterfront Land Use Plan EIR. At that time, staff reviewed the proposed amendments in public meetings with the Waterfront Plan Advisory Board and Port Commission. Since then, further revisions have been made primarily to reflect the final *Waterfront Design & Access* element of the *Waterfront Plan*, and to reflect further refinements in the Planning Commission review process for waterfront development projects

THIS PRINT COVERS CALENDAR ITEM NO. 7A

Proposed Amendments to the San Francisco General Plan

The San Francisco General Plan is the City's official land use policy document. It is made up of a series of elements, each addressing specific land use or planning topics, or specific geographic areas of the City. The amendments proposed as part of the *Waterfront Plan* project affect the Northeastern Waterfront and Central Waterfront area plans, and the Commerce & Industry, and Recreation and Open Space elements. Below is a summary of the proposed amendments for each of these elements. The proposed amendments affecting Port property are consistent with the *Waterfront Plan*, and include policies for public access and open space, and historic resources which are consistent with the *Design & Access element.*

Northeastern Waterfront Area Plan *(Attachment A-1)*
The Northeastern Waterfront Plan contains land use, transportation and urban design policies that are specific to the area between Fisherman's Wharf and China Basin, including the Port's piers and seawall lots, and a substantial amount of non-Port, inland property. Although there have been special issue amendments adopted in the past (e.g. to reflect The Embarcadero roadway improvements and the Giants ballpark), there has not been a comprehensive policy review and update for almost 20 years. As a result, many of the proposed amendments provide updated land use information and trends, which in turn provide the context for the land use policy revisions affecting Port property (e.g. the transition of adjacent inland areas from industrial and support uses to office, residential, and commercial neighorhoods).

As a result of the coordinated work effort, the Port and Planning Department staff agree on all but one of the proposed amendments, related to views down public streets. Currently, the Northeastern Waterfront Plan includes a policy (see Open Space, Public Recreation, and Public Access Policy 11, p. 16) which calls for maintaining and enhancing existing grade level views to the Bay or bulkhead buildings from a number of streets, including Vallejo and Brannan Streets. The Port had proposed the the Planning Department staff amend this policy to provide these views from Vallejo and Brannan Street, <u>if feasible</u>, for the following reasons, which will be presented to the Planning Commission for its consideration.

First, in the *Design & Access element* (see Appendix A, p. 118), the Port has committed to preserving or creating numerous views of the Bay or historic resources from streets. Between Fisherman's Wharf and Pier 70, 11 streets will provide Bay views, and 14 streets will provide views of historic waterfront buildings. In addition, the *Design & Access* element identifies 10 streets at the end of which new development will incorporate an architectural design with a strong waterfront identity, as guided by the design criteria in the *Design & Access* element.

Second, Vallejo and Brannan Streets terminate at two important development sites, Seawall lots 323/4 at Broadway and The Embarcadero, and Pier 30-32 in the South Beach area, respectively. The retention of street views of the Pier 9 bulkhead building (Vallejo Street) or the Bay (Brannan

Street) would require an open corridor through the mid-section of each of these sites. Given the number of *Waterfront Plan* criteria which will have to be balanced and achieved in any development project for these sites (e.g. meeting maritime use needs, public access improvements, compatibility with Northeast Waterfront Historic District, financial feasibility, and development program needs), the Port staff believes it is not prudent to commit to a policy in advance which gives priority to views over other desirable public and development objectives for these two sites.

The Port is especially sensitive to the trade-offs between preserving these view corridors and the the provision of waterfront public access. Under the Port's Concept Agreement with BCDC and Save San Francisco Bay, the Port would allocate 25% of the net lease revenue from new developments into a public access fund to finance creation of three new waterfront public open spaces and improvement of shoreline appearance. It is possible that the retention of full view corridors through Seawall lot 323/4 and Pier 30-32 could require development program adjustments which reduce the amount of lease revenues that go into the public access fund. The Port staff believes that the decision regarding the most appropriate approach to resolving this and other project-specific issues is through the joint design review process for individual development projects.

Central Waterfront Area Plan *(Attachment A-2)*
In the General Plan, the Central Waterfront area extends from the south side of China Basin Channel to Islais Creek, and includes Port and non-Port property. The majority of the proposed amendments update the discussion of cargo industry trends and description of the Port's maritime facilities. Since the *Waterfront Plan* reserves most of this area for continued ship repair, cargo and other industrial maritime uses, there are few proposed changes in land use policy, except for two areas: a portion of Pier 70 (the area nearest Illinois Street including three Union Iron Works historic buildings) and the former Western Pacific property adjacent to Pier 80. Consistent with the *Waterfront Plan* and BCDC's regional Seaport Plan, proposed amendments to the Central Waterfront Plan would allow these two areas to be developed for maritime or non-maritime use.

Commerce & Industry Element *(Attachment A-3)*
This General Plan element provides policies for the City's commercial and industrial sectors, including polices for maritime activities. The proposed amendments update information about the Port's existing facilities and projects, and include new language about the Port's public trust responsibilities, and commercial and recreational maritime activities such as excursion boats, ferries, water taxies, and historic ships.

Recreation & Open Space Element *(Attachment A-4)*
This element describes policies for the City's open space system as well as for specified areas such as the northeastern and eastern waterfront. The proposed amendments update information about the planning and development of open spaces on Port property, including discussion of new open spaces such as the Brannan Street Wharf, to reflect the *Waterfront Plan's Design & Access* element .

Proposed Amendments to the San Francisco Planning Code and Zoning Map

The San Francisco Planning Code and accompanying Zoning Map contain definitions and provisions for zoning use classifications for all property in the City and County, including Port property. In addition, the Planning Code and Zoning Map designate "Special Use Districts" in certain geographic areas which are subject to other specific controls. Attachment B-1 contains a summary comparison of the existing and proposed Special Use Districts. The proposed Code amendments are presented in Attachment B-2; the proposed Zoning Map text and map amendments are contained in Attachments C-1, C-2 and C-3.

Existing Controls
Under the current Planning Code, the vast majority of the Port's property is zoned M-1 (Light Industry), M-2 (*Heavy Industrial*) and C-2 (*Community Business*). In addition, the piers from Hyde Street Pier to Pier 24-1/2 beneath the Bay Bridge, inclusive, and Seawall lots 311-314 are in a Northern Waterfront Special Use District #1, shown in Map Attachment C-2. Seawall lots 315-324 and 322-1 north of Broadway are in a Northern Waterfront Special Use District (NWSUD) . #3, shown in Attachment C-3.

In NWSUD #1, any new non-maritime leases or new construction projects require conditional use authorization from the Planning Commission, and are reviewed against general and specific use, design and other criteria in the San Francisco General Plan and Planning Code.

In NWSUD #3, any new uses proposed on seawall lot which are three acres or greater in size also require conditional use authorization, and are reviewed against general and specific General Plan and Planning Code criteria. In addition, any requirements for conditional use authorizations for uses (e.g. a hotel, or residential on industrially zoned sites) on like-zoned sites in the rest of the City also apply to Port seawall lots.

Proposed Controls *(Attachment B-2)*
The proposed Planning Code and Zoning Map amendments have been developed in coordination with Planning Department staff. If these amendments are adopted, the Port would achieve two primary objectives:

1) To recognize that, in addition to local land use and zoning controls, uses on Port property must also be consistent with the Burton Act, and the McAteer-Petris Act (implemented by BCDC). The Port's *Waterfront Plan*, as the only comprehensive planning document which integrates these policies and regulations, will therefore provide the basis for determining appropriate uses on property under Port jurisdiction

2) To establish a joint process with the coordinated participation of the Planning Department, BCDC, and the Port to review the urban design and architecture of new waterfront projects to ensure compliance with the *Waterfront Plan's Design & Access* element

Joint Design Review Process: A Waterfront Design Advisory Committee would be established to carry out the joint design review process. As currently proposed, the Committee would consist of one senior staff member from the Planning Department and the Port, and one additional member appointed by each of the Mayor's Office, and the Planning and Port Commissions. All appointed members would require professional expertise in planning, urban design, and/or architecture (general, historic or landscape). In addition, the Port's intends to complete discussions with the Bay Conservation and Development Commission (BCDC) to determine how BCDC also would participate in the joint design review process. The make-up of the Design Review Committee and its proposed procedures are subject to further refinement.

The Design Advisory Committee would hold public meetings to review Port projects (specified below) with the objective of developing mutually agreeable design recommendations consistent with and which apply the *Design & Access* goals, policies and criteria. The proposed amendments allow for the design recommendations to be administratively incorporated into the project, but also allows the Planning Commission to review and modify the design recommendations, with the option for conducting this review in a joint Planning and Port Commission hearing. The Port could appeal Planning Commission decisions regarding project design requirements to the Board of Supervisors, for a final determination.

Changes in Special Use District Boundaries: As shown in the maps in Attachments C-1 and C-2, the boundaries of both Northern Waterfront Special Use Districts would be expanded to include piers (in SUD #1) and seawall lots (in SUD #3) in the South Beach area to China Basin, but would not include the Northeast China Basin SUD established for the Pacific Bell ballpark. As a result, the names of the special use district would be modified to "Waterfront Special Use Districts (WSUD) #1 and #3.

Waterfront Special Use District (WSUD) #1: In WSUD #1, non-maritime projects involving new construction, or substantial exterior alterations visible from public areas (except for maintenance, repairs and replacements, signs and awnings and other such minor alterations) would undergo the joint design review process described above. The Planning Department would not review proposed land uses, unless such uses require a conditional use permit as they would in any other like-zoned districts in the rest of the City. Whether permitted or conditional, all uses on Port property would have to be consistent with the *Waterfront Plan* and its restrictions on uses.

Waterfront Special Use District #3: In WSUD #3, projects involving new construction on sites of 1/2 acre or greater in size would undergo the design review process described above. As for uses in WSUD #1, the Planning Department would not review proposed project uses in WSUD #3, unless they would require a conditional use permit in any other like-zoned districts in the rest of the City.

Other Proposed Planning Code Amendments: While most of the proposed amendments pertain to WSUD #1 and 3, other Code sections are proposed for amendment to be consistent with those

WSUD provisions and the *Waterfront Land Use Plan*, as summarized below:

1) Sections 102.14, 124, 240.2, 263.2 and 263.3: Proposed revisions to reference "Waterfront Special Use District" instead of "Northern Waterfront Special Use District".

2) Section 227: Proposed addition of a new subsection (s) to specifically include a definition of maritime uses, which are proposed to be permitted in M-1 and M-2 (Industrial) districts, and WSUD #1 and 3.

3) Section 161(f): Proposed revisions to require that reductions in parking requirements for uses in WSUD #1 be granted by the Planning Department Director for permitted uses, and reductions to be permitted in WSUD #3 as well. Any proposed parking reduction for uses which require conditional use would continue to require approval by the Planning Commission as part of the condition use process.

Schedule

The proposed General Plan and Planning Code amendments are scheduled to be initiated for consideration at the September 25th Planning Commission meeting, with adoption of the proposed amendments scheduled for October 16, 1997. Thereafter, both items will be forwarded to the Board of Supervisors for its consideration of approval.

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NORTHEASTERN WATERFRONT PLAN

(Note: These amendments are proposed to make the Port's Waterfront Land Use Plan consistent with the General Plan. Draft amendment additions are double-underlined; draft deletions are shown with strikeouts.)

(The Northeastern Waterfront Plan was originally adopted by the Planning Commission on January 19, 1977 (Resolution 7643), with subsequent amendments after the 1988 publication. Throughout the text, amendments to the 1988 printed version of the Northeastern Waterfront Plan are noted below the amended text.)

Amendment by Resolution 11882 adopted on 2/21/1990
Amendment by Resolution 13159 adopted on 8/22/1991
Amendment by Resolution 13220 adopted on 12/12/1991
Amendment by Resolution 13907 adopted on 7/6/1995
Amendment by Resolution 14194 adopted on 9/19/1996
Amendment by Resolution 14240 adopted on 11/21/1996
Amendment by Resolution 14324 adopted on 3/6/1997
Amendment by Resolution 14400 adopted on 6/26/1997

INTRODUCTION

Background

San Francisco is a compact city, surrounded on three sides by the Pacific Ocean and San Francisco Bay. From the beginning, the waterfront has played an intimate role in the City's industrial, commercial, and recreational life.

Although San Francisco Bay was discovered by the Spaniards in 1775, it was not until the 1849 gold rush that the region had its first wave of population growth. The focus of the growth was in the area adjacent to the Bay where deep and protected waters provided a natural harbor. This area is now the Northeastern Waterfront and includes Fisherman's Wharf to China Basin. Much of this area was developed on Bay fill as the original shoreline skirted the base of what are known as Telegraph, Rincon, and Potrero Hill.

During these early days, the waterfront was a lively part of town, busy with sailors and those hoping to earn their fortunes in the gold fields. City dwellers would stroll along the waterfront and enjoy the marvelous view of the Port and the Bay. The nearby hillsides were the sites of the earliest settlements and later became fashionable neighborhoods.

Through World War II, the waterfront retained its image of a thriving port and center of the City's economic vitality. The Ferry Building, located at the foot of Market Street, became a landmark structure symbolic of the City's ties with the Bay Area and the World. The western half of San Francisco's waterfront, from Aquatic Park, west to the Presidio and south along Ocean Beach to the County line was developed for military and recreational use and in recent years has become part of the magnificent Golden Gate National Recreational Area.

With the passage of time, however, the Northeastern Waterfront became increasingly separated from the rest of the city and began to decline in activity. The completion of the Bay Bridge in the 1930's foreshadowed the ~~end~~ decline of the Trans-Bay ferry service and diminished the role of the Ferry Building. The construction of the Embarcadero Freeway and parking lots beneath it ~~Today, major portions of the waterfront are traversed by freeways and inundated with parking lots~~ created ~~ing~~ visual and physical barriers to the Bay, ~~and~~ impeding the revitalization of this part of the City.

Changes in transportation technology related to the movement of goods by water also contributed to the decline of the waterfront. The placement of cargo in standardized containers ~~has~~ resulted in dramatic shifts in maritime transportation patterns. Container~~ization~~ shipping ~~has~~ shifted the emphasis from the traditional breakbulk method of cargo handling, for which the Port's finger piers were designed, and ~~has~~ created the need for large modern facilities requiring considerable capital investment and backland support areas. In response, new container shipping facilities were developed in the central and southern waterfront near India Basin in the 1970's.

Although the Port of San Francisco was, at the end of World War II, the largest port in the region, the Port of Oakland was first to develop container~~ized~~ shipping facilities. Oakland has ~~had~~ the advantage of large, undeveloped flat land necessary for the storage of containers as well as better rail and highway connections to eastern markets than San Francisco. Today, portions of San Francisco's Northeastern Waterfront continue to be used for break-bulk cargo handling, ~~ship repair~~, and related activities; however some of the piers are vacant and dilapidated and ~~some~~ much of the ~~land~~ Port's property in this area is underutilized. The Port expects that, over time, cargo shipping, ship repair operations and related support services will continue to consolidate south of China Basin, maximizing efficient use of the Port's container terminals, industrial land and freight rail service. In the meantime, the Port~~'s maritime development strategy~~ intends to ~~calls for the~~ maintain ~~maintenance of~~ existing non-container newsprint shipping and cargo warehouses ~~viable maritime functions~~ in the Northeastern Waterfront, for as long they remain viable in this location. ~~and the consolidation and expansion of new maritime and industrial development in the Central and Southern Waterfront south of China Basin for efficiency of operations, availability of adequate backland, and landside transportation advantages.~~

Other piers in the Northeastern Waterfront will continue to be used in whole or part for commercial fishing, maritime support, cruise, excursions, ferries and other commercial and recreational maritime operations, which will maintain a working waterfront presence. However, because many of the piers

and adjacent Port land are no longer needed or suitable exclusively for industrial maritime operations, there are opportunities for new commercial development and public access and open space.

In the 1960's, as shipping industry changes led to the decline in the Port's breakbulk operations in the Northeastern Waterfront, other economic and technological shifts led to the departure of many non-maritime industry and manufacturing businesses from the greater downtown, Fisherman's Wharf, Sansome-Battery corridor and South of Market areas. As the number of vacant warehouses and underutilized properties increased, planning efforts focussed on transforming these areas to commercial and residential uses to complement the growing financial and business services center in downtown San Francisco (e.g. the Icehouse office conversion, Ghirardelli Square speciality retail center). In addition, the San Francisco Redevelopment Agency established two redevelopment areas: 1) Golden Gateway, generally bounded by Front and Battery Streets on the west, Sacramento Street to the south next to downtown, Broadway to the north and The Embarcadero to the east; and 2) Rincon Point-South Beach, a two-part redevelopment area which includes an approximately three to four block area near the waterfront from Mission to Folsom Streets, and a larger nine block area on the waterfront from Bryant to Berry Streets which includes South Beach Harbor and Pier 40. In 1985, the San Francisco Planning Commission adopted the Rincon Hill Plan for the area adjacent to the waterfront between Folsom and Bryant Streets, extending inland to Second Street. These three planned areas have been, or will be, redeveloped with a mix of activities, but predominantly of residential use with supporting commercial and business services.

Although plans for all three areas were developed when the Embarcadero Freeway was still in place, their proximity to the waterfront was regarded as a major amenity that could only be fully realized if the Freeway was removed. The General Plan therefore included policies calling for the removal of the overhead Embarcadero Freeway, to allow the City to be reunited with its waterfront. However, after the defeat in 1986 of a ballot proposition for the freeway removal, public efforts turned to defining transportation improvements that would transform the surface Embarcadero roadway from a largely industrial arterial to a grand urban boulevard.

Guided by policies contained in the Northeastern Waterfront Plan, in 1985 the City approved the blueprint for the $80 million Waterfront Transportation Projects, a series of improvements that together would improve The Embarcadero roadway from Fisherman's Wharf to China Basin, with widened sidewalks, public art, landscaping and other pedestrian amenities, a new "F" historic street car line from Market Street to Fisherman's Wharf, and a MUNI Metro light rail service extension from Market Street into the Mission Bay area.

The phased construction of these transportation enhancements was underway before the Loma Prieta Earthquake in 1989. In light of the extent of earthquake damage sustained by the Embarcadero Freeway and its extremely high repair cost, the City decided to demolish the double-decked structure and its connecting ramp system, which opened the City to the waterfront. City efforts now are

underway to develop transportation improvements for the mid-section of the Embarcadero between Howard Street and Broadway which had laid beneath the freeway.

In the aftermath of the freeway removal, new unobstructed waterfront views from Downtown San Francisco and adjacent areas combined with the landscaping, lighting, public art and other pedestrian improvements underway along The Embarcadero have reinvigorated public interest in revitalizing the waterfront. While there is substantial demand for a variety of uses on the Northeastern Waterfront, the type and magnitude of new uses should ~~not~~ reflect ~~what is possible, but rather~~, what is desirable from the broadest public interest point of view. Although there is a desire ~~growth continues in office employment, particularly in the areas of services and finance, the ability of the City~~ to maintain and attract new blue collar jobs, this has become increasingly difficult ~~The problem is worsened by high~~ in light of technological advances which have replaced manufacturing jobs, the moving of manufacturing functions overseas, the increased costs of land in the City, ~~lack of available area suitable for industrial expansion,~~ and traffic congestion on major travel corridors. In addition to office, industrial, services and shipping activities, a substantial portion of the City's economy is related to tourism. Hotel, restaurant and retail uses are large employers, particularly of ~~the~~ minority groups ~~population~~. ~~Although~~ There is a demand for additional commercial and tourist-related development, however it must be carefully balanced against the need for maritime uses, recreation and open space, the needs of new resident populations in ~~and new housing on~~ the Northeastern Waterfront and the community desire not to replicate or compete with other tourist areas in the City.

Property under the jurisdiction of the Port of San Francisco, including all piers and certain inland sites in the Northeastern Waterfront, is subject to use limitations under the public trust and the Burton Act. The Port, as trustee, is required to promote maritime commerce, navigation and fisheries, as well as to protect natural resources and develop recreational facilities for public use on these public lands.

In June 1997, the Port Commission adopted the Waterfront Land Use Plan, which was prepared with the assistance of a broad-based Waterfront Plan Advisory Board. The Waterfront Plan sets forth land use policies for all property under the jurisdiction of the Port of San Francisco, which are consistent with the Port's public trust responsibilities and the City's Northeastern Waterfront Plan. The goals of the Waterfront Land Use Plan are to maintain and improve the working waterfront, a revitalized Port, a diversity of activities and people, access to and along the waterfront, an evolving waterfront mindful of its past and future, urban design worthy of the waterfront setting, and economic access that reflects the diversity of San Francisco. The Waterfront Plan includes general land use policies for maritime uses, open space and public access, residential and commercial uses, other uses and interim uses, and identifies unacceptable non-maritime land uses. It includes five subarea plans, of which three and one half are entirely within the area covered by the Northeastern Waterfront Plan. The Waterfront Land Use Plan's related Waterfront Design & Access element includes goals,

policies and criteria which address urban design, public access, city pattern and historic preservation which will be achieved in future waterfront improvement projects.

The San Francisco Bay Conservation and Development Commission (BCDC) has jurisdiction over San Francisco Bay and upland areas within 100 feet of the shoreline under the McAteer-Petris Act. BCDC adopted the San Francisco Bay Plan as called for under that legislation. BCDC in 1975, acting in concert with the Planning Department and Port, adopted the San Francisco Waterfront Special Area Plan. The Special Area Plan, together with the McAteer-Petris Act and the Bay Plan and subsequent amendments to all three documents, prescribes a set of rules for non-maritime shoreline development along the San Francisco Waterfront.

Within the context of this regulatory framework and the strong caring interest that San Francisco's residents and workers have for the City, the Port's Waterfront Land Use Plan sets forth an implementation process for major development projects which includes soliciting early community input on conceptual development programs for specific sites before the Port issues requests for major new development proposals. Further, an interagency design review committee including Planning Department, Port and S. F. Bay Conservation and Development Commission representatives would review projects to ensure that early in the process the interests of respective agencies are addressed and resolved satisfactorily, consistent with the Port's Waterfront Design & Access element, thereby improving predictability and minimizing delays in the regulatory process.

The Future of the Northeastern Waterfront

The Northeastern Waterfront Plan recommends objectives and policies designed to contribute to the waterfront's environmental quality, enhance the economic vitality of the Port and the City, preserve the unique maritime character, and provide for the maximum feasible visual and physical access to and along the Bay.

In the Northeastern Waterfront in areas where piers are sound, shipping and related maritime uses will be maintained for as long as they remain viable in these locations. Commercial and recreational maritime operations (e.g. cruise, excursions, ferries, historic ships, recreational boating), and fishing industry facilities at Fisherman's Wharf will be maintained and expanded. On lands no longer needed exclusively for maritime purposes, new projects will emerge, primarily as maritime mixed-use developments which will provide improved and expanded commercial and recreational maritime facilities, open spaces and public access combined with revenue-generating, water-oriented activities and attractions to increase public enjoyment of the waterfront. ~~the predominant uses will be open space and water-oriented public recreation.~~ On inland areas, the predominant uses will be residential and commercial uses, such as offices, neighborhood-oriented retail and service businesses, and community and cultural facilities. ~~office development.~~ Now that the Embarcadero Freeway has been removed, the waterfront will ~~would~~ be re-integrated with the fabric of the City and reestablished as the eastern edge of the City. ~~Barriers to the waterfront from inland areas, including the Embarcadero~~

~~Freeway, parking under it and on open piers would be removed. The Embarcadero roadway would become a landscaped waterfront boulevard.~~ The Embarcadero roadway improvements, when completed, will link~~ing~~ the Northeastern Waterfront with other portions of the shoreline via a rail transit system which will ~~would run along the Embarcadero~~ reduce~~ing~~ the need for auto travel and on-site parking; and pedestrian and bicycle ways which will ~~would~~ connect recreational areas with community facilities, historic and architecturally significant buildings, residential areas, and employment centers. An authentic maritime character and strong sense of historic continuity combined with increased visibility of the natural attributes of the Bay will ~~would~~ reinforce the special identity of the area.

To achieve these goals, the Plan recommends general objectives and policies for Land Use, Transportation, and Urban Design and recommends specific objectives and policies ~~for five~~ which apply to four geographic subareas as well as the Embarcadero Corridor which links them: Fisherman's Wharf Subarea (which extends from the Municipal Pier at Van Ness Avenue ~~to~~ through Pier ~~35~~ 39); the Base of Telegraph Hill Subarea (Pier 35 through Pier ~~9~~ 7); the Ferry Building ~~Area~~ Subarea (Pier ~~7~~ 5 through ~~Pier 24~~ Rincon Park); and the ~~North China Basin~~ South Beach ~~Area~~ Subarea (Pier ~~26~~ 22½ through Pier 46B)~~; and the Embarcadero Corridor which extends along the right-of-way of the Embarcadero from north to south and intersects the four other subareas~~.

[Note: The description for each of the subareas has been revised and relocated in this document to precede the objectives and policies for the respective subareas (see p.19 for Fisherman's Wharf; p. 24 for Base of Telegraph Hill; p. 28 for Ferry Building; p.38 for South Beach; and p. 48 for the Embarcadero Corridor.]

GOALS

The overall goal of the Plan is to create a physical and economic environment in the Northeastern Waterfront area which will use the area's resources and potential in the manner which will best serve the needs of the San Francisco community. In order to accomplish this goal, the dominant planning principles of this Plan are: (1) provide for those uses which positively contribute to the environmental quality of the area and contribute to the economic health of the Port and the City, (2) preserve and enhance the unique character of the area, and take advantage of the unique economic opportunity provided by San Francisco Bay, and (3) provide the maximum possible visual and physical access to San Francisco Bay while minimizing the adverse environmental impacts of existing and new activity.

OBJECTIVES AND POLICIES

LAND USE

GENERAL

OBJECTIVE 1 TO DEVELOP AND MAINTAIN ACTIVITIES THAT WILL CONTRIBUTE SIGNIFICANTLY TO THE CITY'S ECONOMIC VITALITY AND PROVIDE ADDITIONAL ACTIVITIES WHICH STRENGTHEN THE PREDOMINANT USES IN EACH SUB-AREA OF THE NORTHEASTERN WATERFRONT, WHILE LIMITING THEIR CONCENTRATION TO PRESERVE THE ENVIRONMENTAL QUALITY OF THE AREA.

POLICY 1 Accommodate where appropriate, additional activities which will strengthen the predominant economic functions of each subarea of the Northeastern Waterfront.

POLICY 2 Consistent with other policies of this Plan, encourage uses on Port property which return revenue to the Port to support and improve its facilities.

OBJECTIVE 2 TO DIVERSIFY USES IN THE NORTHEASTERN WATERFRONT TO EXPAND THE PERIOD OF USE OF EACH SUB-AREA AND TO PROMOTE MAXIMUM PUBLIC USE OF THE WATERFRONT WHILE ENHANCING ITS ENVIRONMENTAL QUALITY.

POLICY 1 Develop uses which generate activity during a variety of time periods rather than ~~Limit additional uses which generate a~~ concentrating activity ~~concentration of activity~~ during the same peak periods. ~~in areas which are heavily impacted with such uses.~~

POLICY 2 Diversify activities to encourage the use of the Northeastern Waterfront by a broad spectrum of the population.

POLICY 3 Encourage land uses having different peak periods of activity within each subarea of the Northeastern Waterfront to contribute to the area's diversity, to expand the period of use, to decrease peak period traffic congestion, to facilitate efficient use of the transit system and to preserve and enhance the environmental quality of the waterfront.

POLICY 4 ~~Give priority to~~ Promote the development of new maritime activities, public open space ~~in any~~ and public access improvements as part of major new development ~~adjacent to, or over, the water~~ on piers.

POLICY 5 Emphasize water-related recreation, Bay-oriented commercial recreation and Bay-oriented public assembly uses in non-maritime development adjacent to, or over, the water.

Maritime And Industrial

OBJECTIVE 3 TO RETAIN AND ENHANCE MARITIME ACTIVITIES, RESERVING AS MUCH OF THE NORTHEASTERN WATERFRONT AS IS REALISTICALLY REQUIRED FOR FUTURE MARITIME USES, AND PROVIDING FOR EFFICIENT OPERATION OF PORT ACTIVITIES.

POLICY 1 Give priority to maritime activities recognizing that the waterfront available for such activities is a limited resource and that maritime activities are vital to the City's economy. Based on a realistic assessment of the maritime needs of the Port, reserve the necessary waterfront area by prohibiting activities which would preclude possible future maritime development.

[Note: Policies for maritime uses in Base of Telegraph Hill Subarea are presented under Objectives 15 & 16 on pp. 25-26.]

~~**POLICY 2** Continue maritime activities on Piers 35 through 9, and Piers 26 through 38 for as long as practical. When and if it is determined that those piers are not needed for maritime use, improvement plans should be adopted for each area and appropriate amendments made in this Plan~~

(Amended by Resolution 14400 adopted on 6/26/1997)

POLICY 3 ~~Incorporate into the development of~~ Maintain adequate transportation ~~facilities features which will facilitate~~ access to, and the efficient movement of goods between, ~~the maritime~~ Port piers and the local and regional transportation system.

POLICY 4 Encourage the retention and expansion of the commercial fishing and related industries in Fisherman's Wharf.

OBJECTIVE 4 TO RETAIN ECONOMICALLY VIABLE INDUSTRIAL ACTIVITY IN THE NORTHEASTERN WATERFRONT FOR AS LONG AS POSSIBLE.

POLICY 1 Encourage the retention of industries and businesses which ~~reinforce~~ support the Port's maritime operations, either through providing services or through using the Port's facilities for its shipping needs.

POLICY 2 Encourage the retention of viable industries which provide significant revenues, job opportunities or services to the City.

POLICY 3 Assist in the relocation within San Francisco of industries which are forced to move by market conditions or public action.

COMMERCIAL

OBJECTIVE 5 TO DEVELOP LIMITED ADDITIONAL OFFICE AND COMMERCIAL SPACE IN ORDER TO SERVE THE CITY'S ECONOMIC NEEDS AND TO ENCOURAGE A MIXTURE OF USES AND ACTIVITIES ALONG THE NORTHEASTERN WATERFRONT.

POLICY 1 ~~Except on new or replacement fill,~~ Permit additional general office ~~space~~ and commercial development on sites inland of the seawall adjacent to the Downtown Office District, which complements the downtown but which is of a lesser intensity and which reflects the transition between the City and the water.

POLICY 2 Encourage service retail uses in combination with other uses.

POLICY 3 ~~Limit~~ Allow general and specialty retail uses in combination with other uses~~, to that~~ which will not significantly detract from the Downtown Retail District.

POLICY 4 Except on piers, permit additional hotel space in locations which would enhance the mixture of uses. In areas where hotels are already concentrated, additional such facilities should be limited and should only be provided ~~in combination with other uses~~ if they complement adjacent uses.

POLICY 5 Encourage ~~limited additional~~ Bay-oriented commercial recreation and public assembly uses on piers ~~inland of the seawall~~, which include public access and complementary maritime activities (e.g. cruises, excursions, ferries, historic ships), and maritime support services.

POLICY 6 Permit an open-air ballpark with a maximum of 45,000 seats and related commercial uses at Pier 46B.

(Amended by Resolution 14400 adopted on 6/26/97)

RESIDENTIAL

OBJECTIVE 6 TO DEVELOP AND MAINTAIN RESIDENTIAL USES ALONG THE NORTHEASTERN WATERFRONT IN ORDER TO ASSIST IN SATISFYING THE CITY'S HOUSING NEEDS AND CAPITALIZE ON

THE AREA'S POTENTIAL AS A DESIRABLE LIVING ENVIRONMENT.

POLICY 1 Strengthen, preserve and protect existing residential uses.

POLICY 2 Encourage the development of additional housing wherever feasible (except on new or replacement fill). ~~consistent with maximum maritime development.~~

POLICY 3 Preserve and expand the supply of low and moderate income housing and encourage the economic integration of housing.

POLICY 4 Encourage the development of a variety of unit types for households of all sizes where practical.

RECREATION AND OPEN SPACE

OBJECTIVE 7 TO STRENGTHEN AND EXPAND THE RECREATION CHARACTER OF THE NORTHEASTERN WATERFRONT AND TO DEVELOP A SYSTEM OF PUBLIC OPEN SPACES AND RECREATION FACILITIES THAT RECOGNIZES ITS RECREATIONAL POTENTIAL, PROVIDES UNITY AND IDENTITY TO THE URBAN AREA, AND ESTABLISHES AN OVERALL WATERFRONT CHARACTER OF OPENNESS OF VIEWS, WATER AND SKY AND PUBLIC ACCESSIBILITY TO THE WATER'S EDGE.

POLICY 1 Develop recreation facilities attractive to residents and visitors of all ages and income groups.

POLICY 2 Provide a continuous system of parks, urban plazas, water related public recreation, shoreline pedestrian promenades, pedestrian walkways and street green ways throughout the entire Northeastern Waterfront.

POLICY 3 ~~Integrate~~ Connect the recreation and open space facilities of the Northeastern Waterfront with those of the Golden Gate National Recreation Area.

POLICY 4 Encourage and provide open space and public recreation facilities as part of any development, to provide facilities for people residing and working in the Northeastern Waterfront and in adjoining neighborhoods.

POLICY 5 Provide overlooks and public viewing areas with convenient pedestrian access wherever possible. Every attempt should be made to provide such viewing facilities

in areas of maritime and fish processing activities without interfering with the operation of those activities, consistent with the Port's Waterfront Design & Access policies. Remove ~~bulkhead~~ or create openings in buildings between piers wherever feasible, consistent with their historic character and use, in order to construct such overlooks and to ~~open~~ create a balanced rhythm of buildings and views.

POLICY 5a With new development, create new views between buildings and/or physical access to (1) the Bay, (2) water-dependent maritime activities or (3) open space or other public attractions that invite the public onto pier areas and provide access to the Bay.

POLICY 5b Where desirable and feasible, provide amenities which enhance public enjoyment of open spaces and public access areas by providing public restrooms, drinking fountains, information kiosks, sales of refreshments from push carts and other services.

POLICY 6 Require the inclusion of a substantial amount of public open space and peripheral public access to the water's edge ~~in any~~ when major new mixed-use developments occur. ~~non-maritime development beyond the seawall~~ Provide connections between these open spaces and public access areas to create a "PortWalk" which is integrated with sidewalk and pedestrian improvements along The Embarcadero (Herb Caen Way/Embarcadero Promenade) which, between King and Jefferson Streets, coincides with the regional Bay Trail. Public access should be located at ground or platform level, but minor variations in elevation intended to enhance design of open space may be permitted. Public access should also be open to the sky, although some covering may be allowed if it serves the public areas and does not support structures. Particular attention should be given to the provision of perimeter public access along the platform edge. Other uses may extend to the platform edge subject to the following conditions: (a) Such uses should enhance the total design of the project, should serve to make the public access more interesting, and should not divert the public way along more than twenty percent (20%) of the total platform edge. (b) Deviations of the public way from the platform edge should be limited to short distances.

POLICY 7 Provide as much public open space and peripheral access as is feasible in areas of maritime activity without ~~seriously~~ interfering with the operation of this activity.

POLICY 8 ~~Encourage the development~~ Continue operation of the small boat marinas ~~in the~~ at Pier 39 ~~41 to 37 area,~~ and at South Beach Harbor, ~~the Pier 40 to China Basin area, Exclude small boat marinas from the Pier 7 to 24 area, (but allow~~ and encourage additional locations for transient mooring ~~in the Pier 14 to 24 area) and exclude small~~

~~boat marinas from the Pier 26 to 38 area~~ to expand waterside access to the Northeastern Waterfront.

POLICY 9 Develop a continuous bicycle path along the Northeastern Waterfront that is linked with the city-wide bicycle route system.

(Amended by Resolution 11882 on 2/21/1990)

TRANSPORTATION

OBJECTIVE 8 TO FACILITATE THE MOVEMENT OF PEOPLE AND GOODS WITHIN THE NORTHEASTERN WATERFRONT IN SUCH A WAY AS TO MINIMIZE THE ADVERSE IMPACT OF THIS MOVEMENT.

POLICY 1 Intercept and divert as much automobile traffic as feasible away from the water's edge and areas of intense pedestrian activity in order to make conditions more pleasurable, safe, and interesting for the pedestrian, and in order to facilitate the commercial and recreational development of the area.

POLICY 2 Limit additional parking facilities in the Northeastern Waterfront and minimize the impact of this parking. Discourage long-term parking for work trips which could be accommodated by transit. Restrict additional parking to: (a) Short-term (less than four hour) parking facilities to meet needs of additional business, retail, restaurant, marina, and entertainment activities; (b) Long-term parking facilities for maritime activities, hotel and residential uses. To the extent possible, locate parking away from areas of intense pedestrian activity. Encourage shared parking at adjacent or nearby facilities.

POLICY 3 Allow parking over the water for public and commercial recreation uses only if: (a) no alternative location is feasible; (b) the parking is located within a structure devoted to a permitted use and is necessary to such use or to other permitted uses in the same project area; and (c) it is the minimum amount necessary.

POLICY 4 Prohibit parking over the water for marinas in the Fisherman's Wharf through Ferry Building areas. In other areas, allow parking for marinas over water only if: (a) no alternative upland location is feasible; (b) the total fill for a marina does not exceed a land-water ratio of 1/2:1; and (c) it is the minimum necessary. Encourage loading and unloading areas adjacent to marinas to minimize the need for parking over the water.

POLICY 5 Base the determination of the amount of parking allowed for permitted uses on the desirability of reducing automobiles along the waterfront and, to the maximum extent feasible, consider the use of existing public transit and inland parking, as well as public transit and inland parking which could reasonably be provided in the future.

POLICY 6 Remove or relocate inland those existing parking facilities on or near the water's edge or within areas of intense pedestrian activity.

POLICY 7 Facilitate pedestrian access to the shoreline, including access for the handicapped, through the provision of convenient safe pedestrian crossings along The Embarcadero. Provide promenades and walkways of sufficient width to accommodate comfortably and safely the movement of pedestrians throughout the Northeastern Waterfront.

POLICY 8 Facilitate the movement of goods into and out of the maritime piers where possible in the design of the road system.

[Note: Policy 9 was deleted as part of an update to the Transportation Element adopted by the Planning Commission by Resolution 13907, July 6, 1995]

OBJECTIVE 9 TO ACCOMMODATE THE REGIONAL MOVEMENT OF PEOPLE AND GOODS, PERMITTING THE THROUGH MOVEMENT OF TRAFFIC, ACCESS TO THE REGIONAL SYSTEM FROM THE MARITIME AND OTHER INDUSTRIAL AREAS OF THE CITY, AND FACILITATING THE MOVEMENT OF REGIONAL TRANSIT WHILE MINIMIZING THE ADVERSE IMPACT OF THIS SYSTEM ON THE NORTHEASTERN WATERFRONT AREA.

POLICY 1 To the extent feasible, accommodate regional traffic movement inland from the Northeastern Waterfront area.

(Amended by Planning Commission Resolution #13907 on July 6, 1995)

POLICY 2 Prohibit any increase to the capacity of the roadway system along the shoreline to accommodate automobiles between the Bay Bridge-downtown area and the Golden Gate Bridge. Improve transit service in this corridor to encourage the reduction of automobile traffic.

POLICY 3 Minimize the impact of regional transportation movement along the Northeastern Waterfront by encouraging transit use through the addition and improvement of service and through the use, wherever possible, of exclusive rights-of-way and other

types of transit preferential treatment. ~~Remove the I-280 freeway structure east of Sixth Street and prohibit new ramps east of Fifth Street~~.

(Amended by Resolution 11882 on 3/1/1990)

POLICY 4 To the extent feasible, facilitate and expand the operation of passenger ferry systems to minimize traffic impacts.

POLICY 5 Improve transit service to, and along, the Northeastern Waterfront. Provide a connection between the F-line and the MUNI Metro Extension to allow for continuous ~~Establish a~~ transit rail service in an exclusive right-of-way along the Embarcadero between Fisherman's Wharf and China Basin, which also ~~that would~~ connects with or provides easy transfers to numerous other transit lines.

(Amended by Resolution 11882 on 3/1/1990 and Resolution #13907 on 7/6/95)

POLICY 6 Make transfers among transit systems as easy, safe and pleasant as possible, and clearly identify loading areas and routes. In particular in the Ferry Building Subarea, design the relationship between the ferries, BART, MUNI surface and subsurface lines, and the Transbay Terminal to facilitate connections among the systems.

[Note: Deletion of Policy 7 below is proposed consistent with revisions adopted for the Transportation Element adopted by the Planning Commission, Resolution 13907, July 6, 1995.]

~~**POLICY 7** Provide parking reservoirs near the Fourth Street ramps of the I-280 freeway for short-term parking and to replace long-term parking in the Northeastern Waterfront as well as the downtown core. Provide frequent transit service between this parking area and the downtown.~~

URBAN DESIGN

OBJECTIVE 10 TO DEVELOP THE FULL POTENTIAL OF THE NORTHEASTERN WATERFRONT IN ACCORD WITH THE UNUSUAL OPPORTUNITIES PRESENTED BY ITS RELATION TO THE BAY, TO THE OPERATING PORT, FISHING INDUSTRY, AND DOWNTOWN; AND TO ENHANCE ITS UNIQUE AESTHETIC QUALITIES OFFERED BY WATER, TOPOGRAPHY, VIEWS OF THE CITY AND BAY, AND ITS HISTORIC MARITIME CHARACTER.

POLICY 1 Preserve the physical form of the waterfront and reinforce San Francisco's distinctive hill form by maintaining low structures near the water, with an increase in vertical

development near hills or the downtown core area. Larger buildings and structures with civic importance may be appropriate at important locations.

(Amended by Resolution 14400 adopted on 6/26/1997)

POLICY 2 Preserve and create view corridors which can link the City and the Bay.

POLICY 3 Use continuous planting and other ground surface treatment to physically and visually link the waterfront with adjacent inland areas.

POLICY 4 In major pedestrian areas (such as the Fisherman's Wharf and Ferry Building areas), develop generally continuous ground floor retail or other pedestrian-oriented uses.

POLICY 5 Permit non-maritime development bayward of the sea wall only if the following qualifications are met:

(a) Maximum feasible public access is provided to the water's edge.

(b) Important Bay and waterfront views along The Embarcadero and level inland streets are preserved and improved. Minor encroachment into the view corridors from level inland streets may be permitted ~~under the following conditions~~: (1) Where the encroaching element has a distinct maritime character~~, is separated from the shoreline by water,~~ and adds variety to the views along the waterfront; (2) Where minor structures (such as kiosks) are desirable to provide public amenities contributing to a continuity of interest and activity along the waterfront; ~~and~~ (3) Where essential maritime facilities cannot reasonably be located and designed to avoid view blockage; and (4) Where the public enjoyment of the Bay will be enhanced by providing a place of public assembly and recreation which allows unique vistas and overviews that include portions that are publicly accessible during daytime and evenings consistent with ensuring public safety.

(Amended by Resolution 14400 adopted on 6/26/97)

POLICY 6 Retain older buildings of architectural merit or historical significance to preserve the architectural and historical character of the waterfront and ensure the compatibility of new development.

POLICY 7 Enhance and maintain the physical prominence of the Ferry Building.

POLICY 8 Prohibit new, and remove existing, general advertising signs, except those on transit boarding platforms and transit shelters designed in a manner as to minimize obstruction of public views from pedestrian walkways and public open space, and those on public service kiosks constructed in conjunction with the public toilet program. Assure that public and private signing contributes to the aesthetic appearance of the waterfront.

(Amended by Resolution 14240 adopted on 11/21/96)

POLICY 9 Encourage the provision of street furniture which is of appropriate design to the historic maritime character of the Northeastern Waterfront.

POLICY 10 ~~Consider retention of~~ Retain and reuse those ~~the~~ arched bulkhead building structures identified in the Port's Waterfront Design & Access policies which exist at the main entrance to most piers and which add an important character to The Embarcadero. They should be retained so long as maritime uses exist behind them or when new development occurs which could incorporate these structures without disadvantage.

SPECIFIC POLICIES FOR OPEN SPACE, PUBLIC RECREATION, AND PUBLIC ACCESS

POLICY 11 Maintain and enhance existing grade level view corridors to the Bay particularly from Kearny, Broadway, Howard, Folsom, Bryant, Brannan and Beale Streets and to the bulkhead buildings or significant architectural features from Bay, Front, Green, Vallejo, Market, Mission, Harrison, Steuart and Townsend Streets. Create new view corridors at Pacific and Greenwich Street.

(Amended by Resolution 11882 on 3/1/1990)

POLICY 12 Remove all or portions of dilapidated piers, bulkhead wharves and bulkhead buildings which cannot be used in order to improve shoreline appearance, Bay views, and access to the Bay.

POLICY 13 Remove exposed surface parking from over water, and along the Embarcadero roadway to improve shoreline appearance and access to the Bay.

(Amended by Resolution 13907 on 7/6/1995)

POLICY 14 Design open spaces to maximize sun exposure, wind protection, noise buffering, and to create a sense of security.

POLICY 15 Use the type of ornamental street lights presently employed along the Embarcadero. Use double fixture lights between Pier 1 and the Agriculture Building and single fixture lights elsewhere along promenades. Provide lighting sufficient for public safety and avoid glare. ~~Use the same color but lower intensity illumination as that on Market Street.~~ Paint light standards dark blue as on Market Street.

POLICY 16 Design and locate a consistent set of street furniture, including such items as seating, drinking fountains, trash cans, signs and plaques along the promenades and public open space piers. Describe the historical significance of the area and the natural resource of the Bay with signs and plaques.

POLICY 17 Design and locate all landscaping so as to unify and provide continuity among the various areas of the waterfront. ~~Plant a generally continuous row of street trees in the ground along the promenades between Piers 7 and 24. Select trees as part of the Embarcadero improvements from Bay to King Streets which will visually complement the trees along the promenades.~~

POLICY 18 Select and locate trees, shrubs and ground covers to preserve, dramatize and enhance Bay views for waterfront users. Use plant materials which should have a demonstrated capacity to remain viable, with minimum maintenance under such conditions as frequent high wind speeds, high atmospheric salt content, a high salt water table, and sub-surface fill material with varying drainage capacities. Install trees of at least two inches in diameter and 15 feet in height in the ground.

POLICY 19 On non-maritime piers with sheds, provide continuous peripheral pedestrian public access ways ~~of at least 15 feet in width~~ for walking, viewing and fishing. Provide benches and street furniture. Prohibit use of <u>designated public</u> access areas for valet parking, auto drop-off~~, service vehicles~~ or trash storage, but allow emergency vehicle access <u>and, if no feasible alternatives exist, service vehicle access</u>.

POLICY 20 Provide continuous public pedestrian access to the Bay on the east side of the Ferry Building that is separate from any service vehicle access to the Building.

POLICY 21 Provide a variety of treatments where appropriate along the water's edge, including steps and sloped surfaces.

POLICY 22 Pier railings should minimize obstruction of Bay views and reduce maintenance.

POLICY 23 Cover pier decks and public access areas with wood planking to the extent feasible to provide an attractive maritime character and a reasonably inexpensive material for pedestrian movement.

POLICY 24 Permit fishing along public access areas on piers and promenades consistent with public health standards.

POLICY 25 ~~Require detailed landscaping, materials, and sign plans to be approved by the Department of City Planning prior to approval of any new non-maritime development.~~ Establish a joint interagency design review process for non-maritime projects on piers involving new development or substantial exterior alterations, to be conducted by the Planning Department, Port of San Francisco and Bay Conservation and Development Commission, consistent with the Port's Waterfront Land Use Plan and Waterfront Design & Access policies.

SPECIFIC POLICIES FOR BUILDINGS

POLICY 26 Restrict development south of Broadway to the Height and Bulk Districts shown on the following map.

POLICY 27 Locate buildings to minimize shadows and wind on public open spaces.

POLICY 28 Prohibit the use of reflective glass. Use flat glass skylights and discourage the use of dark tinted glass to increase transparency in highly visible areas.

POLICY 29 Prohibit general advertising ~~or commercial~~ signs in any public spaces or attached to any buildings, except those on transit boarding platforms and transit shelters designed in a manner as to minimize obstruction of public views from pedestrian walkways and public open space, and those on public service kiosks constructed in conjunction with the public toilet program. Allow only attractively designed business identification, directional, regulatory or information signs and general advertising signs, as described above. Permit illuminated signs but prohibit flashing or animated signs.

(Amended by Resolution 14240 adopted on 11/21/1996)

POLICY 30 Employ a uniform system of attractively designed public signs that conform to strict criteria for size, scale, style, and color as part of the Embarcadero roadway improvements from Bay to King Streets and as part of the promenades from Piers 7 through 1 ½ and from the Agriculture Building to Pier 24. Design signs in keeping with the concept of the Embarcadero as a scenic boulevard rather than as a high speed artery. Coordinate signs with those to be used in the Ferry Building complex.

~~**POLICY 31** Require signs to be approved by the Department of City Planning.~~

POLICY 32 Conceal or otherwise limit views of any mechanical equipment, pipes, ducts and antennas, on roof surfaces. Avoid shiny or highly polished materials on roof surfaces and facades.

POLICY 33 Enclose all servicing facilities and store all waste within structures so as to be shielded from public view. Prohibit any ~~temporary or~~ permanent exterior non-maritime storage.

~~**POLICY 34**~~ *[Note: Preservation policies for Piers 3, 1½ and 1 are addressed in the Ferry Building subarea policies start up on p. 29. The shed on Pier 24 was demolished.]* ~~Preserve the bulkhead buildings and bulkhead arches on Piers 3, 1 ½, 1, and 24.~~

[Note: Most of Policy 35 has been merged with Policy 36]

~~**POLICY 35** Moor office-oriented historic ships at Pier 3, and commercial recreation-oriented ships at Pier 24. Base these mooring locations on concerns for visibility from the Embarcadero and inland areas, the maintenance of Bay views from uses on adjacent piers, the ability to provide visitor drop-off and service access, and the availability of nearby enclosed parking for on-board commercial recreation uses.~~

POLICY 36 Assure that historic ships moored in the area meet the following criteria for approving the restoration of the ships: high quality of rehabilitation, historical accuracy, appropriate scale, silhouette quality, detail quality, color scheme and guarantee of continued maintenance. Use night lighting on ships to accent surroundings but not to overpower or commercialize the waterfront. Base mooring locations on concerns for visibility from the Embarcadero and inland areas, the ability to provide visitor drop-off and service access, and the availability of nearby parking for on-board commercial recreation uses.

POLICY 37 Assure that new buildings use the most cost-effective energy efficient measures feasible.

SUBAREAS

FISHERMAN'S WHARF SUBAREA

[Note: The description of this subarea has been moved here from p. 6.]

(Municipal Pier to through Pier ~~35~~ 39)

Fisherman's Wharf contains portions of the Golden Gate Recreation Area at Aquatic Park, hotels, restaurants and specialty shops, the reuse of historic buildings for major commercial centers at

Ghirardelli Square and the Cannery, Fish Alley and the berthing basin for ~~what remains of~~ the commercial fishing fleet, and the ~~recent~~ Pier 39 development. There are also several multi-unit housing complexes as well as interspersed smaller residential buildings in the area. Policies for Fisherman's Wharf include developing a new ~~breakwater~~ fishing harbor in the vicinity of Hyde Street to ~~protect the fishing basin and enable~~ help the fishing fleet ~~to expand~~; ~~limitations on the amount and type of~~ maintaining modernized fish handling facilities; ~~making efforts to create~~ creating a central open space; maintaining and creating opportunities for new water-oriented commercial recreational development; ~~that may occur, and~~ providing pedestrian, transit and parking improvements to upgrade circulation and reduce congestion; and preserving significant historic structures.

OBJECTIVE 11 TO MAINTAIN AND ENHANCE THE MARITIME CHARACTER OF THE FISHERMAN'S WHARF AREA, AND ENHANCE THE AREA AS A CENTER FOR THE COMMERCIAL FISHING INDUSTRY.

POLICY 1 Encourage the retention and expansion of the commercial fishing and fish handling industry and businesses which provide services to the fishing fleet through construction of a new ~~breakwater~~ fishing harbor in the general area east of the Hyde Street pier~~, if feasible~~.

POLICY 1a Maintain the fishing industry character in Fish Alley by preserving or increasing the level of fishing-related activities, to the maximum feasible extent.

POLICY 2 If there is insufficient fishing industry demand for Fish Alley facilities (Assessor's Block 7), permit other maritime use or interim, adaptive uses such as ~~Permit only those Bay-oriented commercial recreation and assembly~~ artist or designer studios or galleries, retail, museums, visitor serving activities, or storage ~~facilities on the Hyde Street Pier, and along~~ in Fish Alley fish handling buildings ~~which are incidental to their primary commercial fishing industrial use~~ provided that such new uses preserve the character and charm of Fish Alley, do not preclude the return of fishing industry businesses, and do not generate heavy traffic congestion. Allow continuation of existing small-scale office and restaurants in the area.

POLICY 2a Give priority to the fishing industry in Sheds B and D on Pier 45. Permit ~~commercial~~ fishing, maritime offices ~~(not related to the fishing industry)~~, ~~hotel and residential convenience~~ retail, research, educational, assembly and entertainment, institutional, ~~and accessory~~ parking, visitor center and other uses compatible with the fishing industry in Sheds A and C on Pier 45. ~~uses on Pier 45~~. Permit parking on Pier 45 ~~shall be~~ within an enclosed ~~within a~~ structure up to a capacity which does not result in a net increase in the number of spaces available to the general public on Port property.

POLICY 3 Encourage preservation and restoration of the maritime character of Fish Alley, and provide a museum of the fishing industry, or Wharf history, here or elsewhere in the Wharf.

POLICY 4 Encourage a use of materials and design of new and existing buildings and public improvements which enhance the area's historic maritime character. Require that any identification signs be subdued and harmonious with this character. Prohibit garish, flashing and general advertising signs, except general advertising signs on transit boarding platforms and transit shelters designed in a manner as to minimize obstruction of public views from pedestrian walkways and public open space, and those on public service kiosks constructed in conjunction with the public toilet program.

(Amended by Resolution 14240 adopted on 11/21/1996)

POLICY 5 Provide space for other new and expansion of existing maritime operations such as recreational boating, ferries and excursions, water taxis, historic ship and ceremonial berthing. ~~Encourage the development of a small-boat marina in the Pier 41 to 37 area with any parking provided inland of The Embarcadero.~~

OBJECTIVE 12 TO STRENGTHEN THE AREA'S ATTRACTION AS A WATER-ORIENTED COMMERCIAL RECREATION AND PUBLIC ASSEMBLY CENTER BY ~~EXPANDING THE AREA OF ACTIVITY TO THE EAST, LIMITING ADDITIONAL CONCENTRATION OF SUCH ACTIVITIES WEST OF POWELL STREET~~ ATTRACTING NEW REVENUE-GENERATING USES TO HELP SUPPORT AND SUBSIDIZE MARITIME AND PUBLIC ACTIVITIES AND DEVELOPING USES WHICH WOULD GENERATE ACTIVITY AT TIMES OTHER THAN THE EXISTING PEAK PERIODS.

(Note: Policy 1 below is proposed for deletion because it addresses Pier 39 and the Waterfront Park, which have since been developed.)

POLICY 1 ~~Permit additional water-oriented commercial recreation and public assembly (except hotels and boatels) development such as restaurants, entertainment and specialty shops in the Pier 41 to 37 waterfront area in conjunction with a major waterfront park along the seawall. Any necessary parking should be provided inland of The Embarcadero. The park should include a minimum of 5 to 6 acres of water-oriented landscaped open space unrelated to commercial uses. Commercial uses should be water-oriented and complementary in scale to those in the rest of the Fisherman's Wharf area. Platforms constructed to support commercial uses should not cover a~~

~~greater amount of the Bay than 50 percent of any previously existing fill (Piers 37, 39 and 41) which is removed. The Embarcadero should be narrowed in this area to accommodate the development of the waterfront park.~~

POLICY 2 ~~Limit additional~~ Employ measures to mitigate the impacts of any commercial recreation and public assembly development such as restaurants, entertainment and specialty shops in the Fisherman's Wharf area ~~west of Powell Street because of the existing heavy concentration of such uses and the resulting evening and weekend~~ to minimize or reduce peak period congestion during evenings and weekends. ~~Employ measures to mitigate the impact of any such additional development.~~

POLICY 3 New development in the area bounded by Taylor and Jefferson Streets and The Embarcadero (the "Triangle" site) should be limited to 30% of the surface area and be designed to finance and help activate public open space. Work with the community to relocate surface parking from the Triangle site. ~~the water's edge in a manner which~~. Seek to reduces the ~~area devoted to surface~~ amount of parking between The Embarcadero and the water's edge ~~and retains a feeling of openness, and gives special attention to the provision of public open space,~~ and to improve pedestrian movement and access to the ~~water's edge and pedestrian movement~~ Bay.

POLICY 4 Balance existing commercial recreation and public assembly uses which generate the most activity in summer, on weekends and during the evening, with uses, such as offices and residences, that would generate activity during other periods, thereby promoting the vitality and use of the area without substantially contributing to congestion. In particular, promote the development of housing on inland sites wherever possible.

OBJECTIVE 12a TO ENCOURAGE USES WHICH WILL DIVERSIFY THE ACTIVITIES IN THE WHARF AND WHICH WILL APPEAL TO LOCAL RESIDENTS AS WELL AS VISITORS.

POLICY 1 Encourage new Wharf activities such as arts, educational, historical, recreational, non-tourist commercial and cultural facilities and places of public assembly (such as festival halls, meeting halls or conference centers) to increase the appeal of Fisherman's Wharf to local residents.

POLICY 2 Encourage additional office uses, particularly above ground level, to provide Wharf activities oriented to local residents and increase off-season patronage of Wharf shops and restaurants.

OBJECTIVE 13 TO DEVELOP A TRANSPORTATION SYSTEM WHICH IMPROVES ACCESS FOR PEOPLE AND GOODS TO AND AROUND THE FISHERMAN'S WHARF AREA WHILE MINIMIZING THE ADVERSE ENVIRONMENTAL IMPACTS ON THE AREA.

POLICY 1 Improve the roadway system to facilitate truck access to the fishing industry and other Wharf businesses, to discourage through-traffic from entering the area and to divert as much automobile traffic as possible before reaching the water's edge and areas of intense pedestrian activity such as Jefferson Street. Do not increase the capacity of the roadway system to accommodate the automobile.

POLICY 1a Provide efficiently planned parking and loading facilities to serve the Wharf's maritime activities, particularly fishing related loading and unloading operations.

POLICY 2 Minimize the intensity of automobile activity and discourage or prohibit commercial-tourist uses ~~which~~ from relying heavily on the automobile for their success. Strictly control the development of additional parking by using existing facilities more efficiently instead of building new off-street parking facilities. If new facilities are necessary, seek to ~~facilities and~~ locate them as far inland as possible to intercept traffic before reaching the water's edge and areas of intense pedestrian activity. ~~Discourage~~ Manage vehicular access to existing parking facilities from Jefferson Street to minimize congestion. Coordinate new development with improvements to vehicular access and circulation to minimize traffic impacts.

POLICY 2a Study and, if feasible, implement measures to reduce parking and congestion problems at the Wharf, which could include 1) greater utilization of existing parking garages in the Wharf area; 2) shuttle bus, motorized cable car, and pedicab service to accommodate people who take public transit or park outside the Wharf; 3) shared parking facilities for uses with different time needs; and 4) parking vouchers for ~~swim clubs and~~ sport fishing patrons.

POLICY 3 Facilitate access into and within the Fisherman's Wharf area by transit through the provision of exclusive rights-of-way and other preferential treatment, through the extension of additional transit lines, improving frequency, speed, hours of operation, and providing clearly identified loading areas and routes. Establish a rail/bus transit line on Jefferson and Beach Streets, providing access to the Ferry Building and the South of Market area. Extend the Powell and Mason Cable Car line on Taylor Street to a location north of Jefferson Street. Allow truck access ~~to the plaza~~ in Fish Alley.

POLICY 4 Establish water taxi service from Fisherman's Wharf to other points along the waterfront.

OBJECTIVE 14 TO PROVIDE MAXIMUM OPPORTUNITIES FOR ENJOYING THE BAY AND ITS RELATED ACTIVITIES BY ENHANCING AND INCREASING ~~PROVIDING~~ PUBLIC OPEN SPACE AND ~~CIRCULATION~~ ACCESS AREAS WHICH SAFELY AND COMFORTABLY ACCOMMODATE THE MOVEMENT OF PEDESTRIANS.

POLICY 1 Develop generally continuous public pedestrian access to the water's edge, excepting areas ~~occupied by~~ where such access would interfere with maritime activities. In those areas, provide that public viewing and access which will not substantially interfere with these activities.

POLICY 2 Remove of existing parking over the water or near the water's edge to minimize conflicts between vehicles and pedestrians and enhance perimeter access which would require resolving long-term Port lease issues.

POLICY 3 Develop new public open space areas in Fisherman's Wharf to provide a relief from the intense level of activity. ~~Develop a major plaza at the foot of Taylor Street between Jefferson Street and the water's edge that would focus~~ Work with the community to develop the design of a major new open space on approximately 70% of the surface area of the "Triangle" lot bounded by Taylor and Jefferson Streets and The Embarcadero and relocate the existing surface parking. Address interim parking and construction-related issues during the design process. Rationalize and improve pedestrian and transit movement at the center of Fisherman's Wharf in a manner which also meets the parking needs of existing businesses that depend on adjacent parking. ~~Develop a~~ Extend open space from the Triangle lot to the Bay on Pier 43 ½ if further funding sources become available and long-term lease issues can be resolved. Maintain the ~~major~~ East Wharf Waterfront Park at Pier 39. ~~along the bulkhead in the Pier 41 to 37 area. Develop an urban park~~ Maintain and enhance the Joseph Conrad Park at the foot of Columbus Avenue, bounded by Leavenworth and Beach Streets, which ~~that would~~ provides a visual and functional termination of Columbus Avenue. ~~Create a plaza in Fish Alley adjacent to Leavenworth Street north of Jefferson Street as part of an open fish market. Allow truck access to the plaza in Fish Alley.~~ Create exterior service or pedestrian walkways to allow views or access to water where compatible with fishing industry operations.

BASE OF TELEGRAPH HILL SUBAREA

[Note: The description of this subarea has been moved here from p. 6.]

(Piers 35 through 9 7)

~~This subarea is characterized by finger piers in break-bulk and cargo-handling uses, and offices, showrooms and warehousing on inland sites. Plan policies call for the continued and enhanced maritime use of Piers 35 through 9 and the refurbishing of Pier 35 as the City's passenger terminal. Inland of the Embarcadero, residential, office and open space uses would be encouraged and buildings of architectural or historic merit preserved. The surface Embarcadero roadway would be improved as a waterfront boulevard extending from Fisherman's Wharf to China Basin with widened sidewalks, truck access areas for the maritime piers, and a right-of-way for the "E" Embarcadero street car line.~~

This subarea contains a mix of uses that reflect the area's maritime history and its transformation into a vital urban residential and commercial district. Cargo shipping, warehousing and other maritime operations still occupy some of the finger piers, although long-term trends indicate that cargo shipping can be operated most efficiently through consolidation in the central and southern waterfront. Most of the inland properties have been redeveloped with offices for the design and communications industries, retail and residential uses, many of which occupy preserved and rehabilitated historic warehouses. Pier 7 has been redeveloped into a public open space and fishing pier extending 900 feet into the bay, which provides a major recreational amenity in the subarea. Policies call for maintaining cargo shipping facilities and cargo-related support services for as long as needed. If the piers no longer are suitable as cargo facilities, Plan policies encourage the expansion of commercial and recreational maritime activities (e.g. cruise terminal, excursions, recreational boating) as part of major new mixed use developments on piers which provide daytime and nighttime commercial recreation venues and new public access improvements.

The Port of San Francisco will conduct a Special Planning Study for Piers 15-29 to resolve the following issues before the Port approves any major new development on these piers: (1) the location and size of a major new "Northeast Wharf" open space within potential new maritime mixed use development in the Special Study Area; and (2) the location and configuration of piers, including removal of pier area to create open water.

On inland sites, a variety of land uses are appropriate, including hotel, residential, office and other commercial activities. These new developments will be designed to preserve and enhance the rich historic character of the subarea and, as appropriate, highlight access points to the nearby North Beach, Chinatown and Fisherman's Wharf districts.

OBJECTIVE 15 TO RETAIN EXISTING CARGO SHIPPING AND RELATED SERVICES AND TO PROMOTE COMMERCIAL AND RECREATIONAL MARITIME ~~AND MARITIME-RELATED~~ ACTIVITIES.

POLICY 1 ~~Encourage the continued use of Piers 35 through 9 as active maritime piers.~~ Continue to encourage maritime use on Piers 35 through 9.

POLICY 2 Promote commercial and recreational maritime activities (e.g. a cruise terminal, excursion boats, historic ships, recreational boat mooring) which may be complemented with water-oriented commercial recreation and public assembly uses and public access improvements on piers no longer needed or suitable for cargo shipping facilities.

POLICY 3 ~~Give priority to the maintenance of~~ Improve existing Pier 35 cruise facilities. If feasible, renovate the facility to provide ~~and its renovation as~~ a modern, functional passenger terminal with associated commercial recreation and public assembly uses. If Pier 35 is determined to be an infeasible location, allow the development of a new cruise terminal on another pier in the Northeastern Waterfront. ~~such as restaurants and shops. Only if it should prove impossible to retain Pier 35 should another pier on the Northeastern Waterfront be considered for such use.~~

OBJECTIVE 16 TO PRESERVE THE HISTORIC MARITIME CHARACTER OF THE AREA.

POLICY 1 Retain architecturally interesting and historically significant buildings or buildings which contribute substantially to the overall architectural character of the area. In particular, every effort should be made to preserve the Italian Swiss Colony Building, the Pelican Paper Company Warehouse, ~~and~~ the Trinidad Bean and Elevator Company Warehouse, and the Beltline Roundhouse. Historic bulkhead and connector buildings should be retained and reused as set forth in the Waterfront Design & Access policies of the Port of San Francisco's Waterfront Land Use Plan.

POLICY 2 Ensure the compatibility of new development with the ~~area's~~ historic and architectural maritime character of the Northeast Waterfront Historic District in terms of scale, materials and design.

OBJECTIVE 17 TO DEVELOP A DIVERSITY OF ADDITIONAL ACTIVITIES WHICH WOULD STRENGTHEN THE EXISTING PREDOMINANT USES IN THE BASE OF TELEGRAPH HILL SUBAREA AND ACTIVITIES WHICH WOULD EXPAND THE PERIOD OF USE, BUT OF AN INTENSITY WHICH WOULD PROVIDE A RELIEF FROM THE ADJACENT DOWNTOWN AND FISHERMAN'S WHARF AREAS.

POLICY 1 Consistent with policies 2 and 3 encourage development of uses on inland sites which would strengthen the area's predominant uses of professional and general offices and design-related activities.

POLICY 2 Encourage the development of residential uses as a major use on inland sites in this area. Such use should be especially encouraged immediately adjacent to Telegraph Hill and at the upper levels of commercial development.

POLICY 3 Encourage ~~the~~ moderate development ~~of a limited amount~~ of uses such as shops, restaurants, entertainment and hotels which ~~generate activity~~ activate the waterfront during evenings and weekends, but ~~not of such an~~ to a lesser overall intensity ~~or~~ and concentration than present in ~~as to create a major recreation or entertainment center.~~ ~~**POLICY 4** Develop the area to a lesser intensity of activity than~~ the adjacent downtown and Fisherman's Wharf areas. ~~in order to provide a relief in intensity from those areas~~.

POLICY 3a Design new development on Seawall Lots 323 and 324 as an orientation point for the waterfront which also highlights the intersection of Broadway and The Embarcadero.

POLICY 4 Plan and design new developments on inland sites and adjacent piers in a manner which complements and enhances the surrounding area, and which unites the waterfront with the rest of the City.

POLICY 5 Minimize the intensity of automobile activity ~~and discourage or prohibit uses which rely heavily on the automobile for their success, generate automobile traffic, and require large amounts of parking. Strictly limit parking developed with new uses.~~ by promoting mass transit as a primary transportation mode. Maximize efficient use of existing parking facilities in order to limit the amount of new parking necessary as part of new development.

POLICY 6 Encourage the provision of landscaping and publicly accessible open space in new development in the Base of Telegraph Hill area.

[Note: Policy below pertaining to Pier 7, was formerly Policy 1 under Ferry Building Subarea, Objective 25 (p. 31), which has been revised and relocated here.]

Pier 7

POLICY 1 ~~Use either Pier 7 or Pier 3 for~~ Maintain permanent public open space on Pier 7. ~~The approximate magnitude of the open space should be that of the existing pier. Remove parking from Pier 7 when current lease expires. Retain portions of pier for walkable, usable open space and fishing for as long as structurally feasible, then remove pier. If Pier 3 is developed for offices, rebuild Pier 7. Develop Pier 7 (or Pier 3 until Pier 7 is rebuilt) for open space, public recreation and public access for users of all age groups. Encourage fishing and provide a sheltered area for wind~~

~~protection and appropriate landscaping. If feasible, use wood planking on decks and illuminate for night-time use. Prohibit parking on the pier.~~ Allow limited improvements such as convenience food and beverage sales from pushcart vendors, which increase active use and enjoyment of the open space, and nearby public information kiosks and public restrooms, provided that they maintain an uncluttered appearance in the area. Take advantage of views of Pier 7 from new development on adjacent piers or inland sites to Pier 7 and maintain city views from Pier 7.

OBJECTIVE 18 TO DEVELOP A BALANCED TRANSPORTATION SYSTEM WHICH ACCOMMODATES REGIONAL AND LOCAL MOVEMENT WHILE CAUSING MINIMUM ADVERSE IMPACT TO THE ENVIRONMENT.

POLICY 1 ~~Improve~~ Maintain The Embarcadero between ~~North Point~~ Beach Street and Broadway as an attractive landscaped roadway having two moving lanes in each direction, an exclusive transit right-of-way, ~~bicycle lanes, and a separate access roadway to the pier areas.~~ and improved pedestrian and bicycle access.

~~This policy could be implemented in the manner shown in the following illustrative plan of the Embarcadero roadway.~~

POLICY 2 Discourage through traffic except in those limited areas designated for this movement.

POLICY 2a Design transportation access to new developments on seawall lots to minimize congestion on Bay Street, Broadway and The Embarcadero.

POLICY 3 Encourage a portion of the surface regional transit to use inland routes to the downtown to minimize the impact on the waterfront.

OBJECTIVE 19 TO DEVELOP THE AREA IN SUCH A WAY AS TO PRESERVE AND ENHANCE THE PHYSICAL FORM OF THE WATERFRONT AND TELEGRAPH HILL, AND TO PRESERVE VIEWS FROM THE HILL.

POLICY 1 Maintain low structures near the water, with an increase in vertical development ~~near~~ towards Telegraph Hill.

POLICY 2 Avoid the blockage of private and public views and maintain sightlines between the waterfront and Telegraph Hill.

FERRY BUILDING SUBAREA

[Note: The description of this subarea has been moved here from p. 6.]

(Piers ~~7~~ 5 through ~~24~~ north of Pier 22½)

The Plan promotes the restoration of the historic Ferry Building, a city and national landmark structure which stands as the centerpiece of the Northeastern Waterfront. In addition, ~~Included in this subarea are the Golden Gateway and Embarcadero Center developments, other high rise office structures, and the Ferry Building. and the elevated Embarcadero Freeway. Contrary to previous proposals for extensive bay fill,~~ the Plan calls for open water between the Agriculture Building and Pier 22½ as a relief to the intensely developed downtown and to ensure the continued prominence of the Ferry Building and its tower. The Ferry Building will ~~would~~ be preserved, rehabilitated consistent with the Secretary of the Interior's Standards for Rehabilitation, and re-established as a major regional transit center and the eastern terminus ~~to~~ of Market Street. It also will ~~and~~ provide a major entryway to the City from the water, with increased ferry, excursion boat and water taxi service, and other modes of water transport, and a place to moor historic ships ~~would be moored in this area~~ and pleasure boats ~~which would tie up to colorful buoys.~~ Inside, the Ferry Building will provide public spaces to support its transit functions and a variety of complementary commercial recreation activities, offices, institutional, cultural and/or community facilities which will help finance the building restoration while also fostering public enjoyment of the waterfront. The waterside features will be linked by ~~The elevated Embarcadero Freeway would be removed and~~ a simple, elegant promenade ~~between would link~~ Pier 7 and Pier 24 which runs along the entire length of The Embarcadero, creating a visual corridor along the water's edge that complements a variety of water edge experiences. The centerpiece of this promenade will be a grand new plaza at the landside entrance to the Ferry Building. ~~It would maintain a visual corridor along the water's edge and create a variety of water edge experiences. In the Pier 7 and 3 area, a public recreation pier next to open water would be built in contrast to the mixture of commercial recreation and office activities in the redeveloped Ferry Building.~~ The subarea includes the Golden Gateway development north of the Ferry Building which was successfully redeveloped into an urban residential mixed use neighborhood, including Sidney Walton Park.

South of the Ferry Building, the historic Agriculture Building will be preserved. ~~in the Howard to Harrison Street area, a mixed use activity center would be created, bringing new life to an area for many years has been cut off from the City by the Embarcadero Freeway and the Bay Bridge. The activity center would be comprised of~~ A planned Rincon Park will be created, a major water-related soft surface public park with a "Tavern-on-the-Green" type of restaurant, ~~in the park north~~ south of Folsom Street. ~~and public access and fishing areas on Pier 24 with dramatic views of the city skyline and out to the Bay. In addition, a terraced European-style hotel inland of the park across the re-routed Embarcadero would ensure both day and nighttime activities for the area.~~

OBJECTIVE 20 TO DEVELOP A MAJOR RESOURCE OF OPEN SPACE AND PUBLIC ACCESS CONNECTIONS PROVIDING MAXIMUM ACCESS TO AND

ALONG THE ~~BAY~~ WATERFRONT FOR THE LARGE NUMBER OF PEOPLE WHO LIVE IN, WORK IN AND USE THE ADJACENT DOWNTOWN AREA, PROVIDING RELIEF FROM THE INTENSELY DEVELOPED DOWNTOWN.

OBJECTIVE 21 **TO DEVELOP A MIXTURE OF USES WHICH WILL PROVIDE A TRANSITION BETWEEN THE INTENSE CONCENTRATION OF OFFICE ACTIVITY IN THE DOWNTOWN AREA AND THE RECREATION ACTIVITIES OF THE WATERFRONT, WHICH WILL GENERATE ACTIVITY DURING EVENINGS AND WEEKENDS TO COMPLEMENT THE WEEKDAY OFFICE USES IN THE ADJACENT DOWNTOWN AREA.**

OBJECTIVE 22 **TO ALLOW COMMERCIAL AND RECREATIONAL MARITIME USES, PUBLIC ACCESS IMPROVEMENTS ~~DEVELOP A LIMITED AMOUNT OF~~ AND NON-MARITIME ~~DEVELOPMENT~~ COMMERCIAL RECREATION DEVELOPMENT ON PIERS AND ALONG THE SEAWALL TO GENERATE WATERFRONT ACTIVITY, TO PROVIDE VISUAL AND ACCESS IMPROVEMENTS AND TO PRODUCE REVENUE FOR THE PORT.**

OBJECTIVE 23 **TO RESTORE AND REHABILITATE THE FERRY BUILDING AND AGRICULTURE BUILDING TO PRESERVE THE HISTORIC MARITIME CHARACTER OF THE AREA.**

OBJECTIVE 24 **TO MAXIMIZE VIEWS OF THE WATER AND OF WATERFRONT ACTIVITY.**

OBJECTIVE 25 **TO FURTHER DEVELOP THE FERRY BUILDING AREA AS A MAJOR TRANSIT CENTER, IMPROVING AND EXPANDING TRANSIT ACCESS BY, AND TRANSFERS AMONG, ~~THE~~ LANDSIDE AND WATERSIDE TRANSIT ~~LINES AND~~ SYSTEMS. ~~AND REDUCING THE IMPACT OF TRAFFIC SYSTEMS ON THE AREA.~~**

POLICIES

Golden Gateway (Blocks 167-171, 198-201)

POLICY 1 Maintain the Golden Gateway residential community and neighborhood-serving retail uses.

POLICY 2 Maintain the Sidney Walton Park as an urban park serving downtown workers and residents.

~~**Pier 7**~~

[Note: Policy 1, regarding Pier 7, was revised and moved to the Base of Telegraph Hill Subarea, Objective 17, Policy 7 on p 27. Policy 2, below, is proposed for deletion because Pier 7 has since been developed as open space.]

~~**POLICY 2** Develop according to the following program:~~

~~• Open space on pier (approx. Two acres)~~

~~• Community facilities in Pier 3 bulkhead building if Pier 3 is open space pier (16,000 to 32,000 s.f.)~~

Pier 5

~~**POLICY 1** Remove deteriorated Pier 5, its bulkhead wharf, and bulkhead building and maintain as open water.~~

POLICY 2 ~~Remove the northerly portion (approximately 75 feet) of the bulkhead building and rehabilitate the remaining portion.~~ Provide views of the water from the Embarcadero through or alongside the building ~~by opening~~ and use the central archway for access to major bulkhead uses. ~~Provide a pedestrian walkway on the bay side of the building.~~

Pier 3

~~**POLICY 1** If Pier 3 is the open space pier instead of Pier 7, then design the Pier 3 open space according to the guidelines shown above for Pier 7.~~

POLICY 2 Provide cultural, assembly and entertainment, and other commercial recreation activities on Pier 3 which provide activities/attractions for downtown residents, workers and visitors, and take advantage of expanded public transportation services available in the Ferry Building Subarea. ~~If Pier 7 is developed for open space, Construct a two-story shed-like structure on Pier 3 for office and community facility use, with windows and skylights that are in keeping with the simple lines, scale and design of surrounding pier sheds. Avoid small connected buildings in the design of the new structure. Slope roof surfaces as on existing pier sheds.~~

~~**POLICY 3** Encourage construction of a two-story atrium to function as a common area in the center of the shed with two floors of offices on either side with skylights over the atrium. Encourage the use of exposed metal or wood trusses to the extent feasible.~~

POLICY 4 Include public access improvements in major new development on the pier, furthering the creation of a PortWalk which will connect with the existing and future open space network and pedestrian promenade along The Embarcadero. ~~Provide continuous peripheral public access areas covered with wood planking around the water sides of the pier. Create a plaza of approximately one-half acre open to Bay views at the eastern end of the pier linked to the public access areas. Permit fishing and include benches and wind protection. Use wood planking over the deck and light the plaza for night-time activities. Permit a pedestrian walkway connecting Piers 3 and 1 for public access, fishing and safety.~~

~~**POLICY 5** Develop Pier 3 according to the following program:~~

~~• Office and community facilities (2 stories, up to 120,000 s.f.)~~

~~• Public access-perimeter aprons (no less than 22,000 s.f.)~~

~~• Plaza-eastern end of pier (no less than 22,000 s.f.)~~

POLICY 6 ~~Remove the northerly portion (approximately 50 feet) of~~ Preserve and rehabilitate the historic bulkhead building, allowing for the enhancement or creation of waterfront or Bay views through existing openings or new openings which do not adversely affect the building's historic architectural character. ~~and rehabilitate the remaining portion of the building~~. Permit an extension of the bulkhead building onto the pier if consistent with historic preservation criteria, providing a pedestrian walkway around it. ~~Remove all obstructions between the Pier 5 bulkhead building and the modified Pier 3 bulkhead and develop the approximately 100' opening between the buildings as a small public plaza with seating and landscaping~~.

POLICY 7 Promote new maritime attractions and waterside access, such as water taxi and excursion boat stops, historic ships and temporary mooring areas as part of new development. ~~Permanently moor up to two office-oriented historic ships on the north side of Pier 3.~~

~~**POLICY 8** Develop according to the following program:~~

~~Historic Ships~~

~~North side Pier 3 permanent mooring:~~

~~*Fresno* or other office-oriented historic ship~~

- ~~Office-existing (up to 20,000 s.f.)~~
- ~~Public access (no less than 7,500 s.f.)~~
- ~~*Santa Rosa* or other office-oriented historic ship~~
- ~~Office (up to 14,000 s.f.)~~
- ~~Commercial recreation (up to 6,000 s.f.)~~
- ~~Public access (no less than 7,500 s.f.)~~

Pier 1 - ½

POLICY 1 Preserve and rehabilitate the bulkhead building ~~and historically restore the shed~~ for ~~a~~ museum, commercial recreation and public assembly, community facilities, artist/designer studios and galleries and/or offices uses. ~~Maintain the existing openings on either side of the Pier 1-1/2 entry and between the bulkhead building and shed and allow public circulation through these spaces.~~

Pier 1

POLICY 1 ~~Remove the parking from the north apron and shed area~~ Preserve and rehabilitate the bulkhead building. Continue to allow general parking until developed for permanent uses, as well as permanent support parking for Pier 1 excursion boat operations inside the pier shed. Permit replacement of the existing shed with a three floor structure but retain bulkhead building. Provide continuous peripheral public access around the water sides of the pier, unless limited by public safety considerations or maritime operational needs.

POLICY 2 Permit ~~mainly office use with gallery/exhibit space and permit minor~~ commercial recreation and public assembly uses, artist/designer studios and galleries, community facilities and/or transportation services on ~~to integrate~~ Pier 1 which complement activities in the downtown and take advantage of transportation improvements planned for the ~~into the overall~~ Ferry Building Subarea. ~~development.~~ Encourage maritime activities, including excursion boat operations and associated passenger waiting areas and support uses in the pier shed and bulkhead building.

Promenade/PortWalk

POLICY 1 Improve ~~Develop a~~ Herb Caen Way/The Embarcadero Promenade and PortWalk from Pier ~~7~~ 5 ~~through 1~~ to Pier 22½ south of the Agriculture Building. Design the promenade to be a simple, elegant statement of movement along the water's edge ~~and make it appear to be an extension of the promenade to the south of the Ferry~~

~~Building.~~ which maintains visual continuity ~~along the water~~ and creates a variety of water-edge experiences. ~~Landscape the promenade and, where it will not block view corridors, use a double row of large trees to define activities, frame views and buffer winds.~~ Provide appropriate street furniture including wind protected seating areas and pedestrian scale lighting.

POLICY 2 Develop ~~according to the following program:~~ public access improvements on Piers 3 and 1 which contribute to creation of the PortWalk, integrating open spaces and public access into major new development on piers and connecting with Herb Caen Way/The Embarcadero Promenade.

~~• Promenade from Piers 7 through 1 (approx. 50,000 s.f.)~~

Ferry Building

POLICY 1 Restore and adaptively reuse the Ferry Building in general accord with the "Design Guidelines for the Restoration and Adaptive Reuse of the Ferry Building," dated July 1978.
~~Permit the addition of two new wings on the bay side of the building separated by a plaza. Create a central atrium and a gallery running the length of the building.~~

POLICY 2 Reuse the Ferry Building as follows: predominantly commercial recreation (shops and restaurants), public spaces (e.g. exhibit, civic displays, passenger waiting areas, community facilities) and transportation services on the ground floor, and office, commercial recreation and/or public assembly activities on the second and third floors. ~~predominantly offices on the second floor; predominantly office use on the third floor.~~ Permit an additional partial fourth floor east of the existing nave for office use; limit its height to the height of the peak of the existing nave monitors.

POLICY 3 Replace or remove the dilapidated portions of the Pier ½ bulkhead wharf between Pier 1 and the Ferry Building. ~~Remove the existing structure and create a plaza.~~ Maintain and enhance public access and passenger areas serving the ferry and excursion boat operations at Pier ½.

POLICY 4 ~~Create a plaza for passive recreation uses in front of the Ferry Building between Pier 1 and the Agriculture Building by the removal of parking and the reduction in width to two northbound lanes of the Embarcadero roadway.~~ Design ~~the~~ a grand civic plaza to create a ~~visual setting~~ forecourt for the Ferry Building and a symbolic terminus to Market Street by removing parking in the middle of The Embarcadero roadway. This plaza should be designed to serve a multitude of activities, to re-establish physical and visual connections between the City and the waterfront, and to tie together existing and future open spaces along The Embarcadero, including Justin Herman Plaza. Provide complementary, smaller plazas at the front of the Ferry Building, replacing short-term parking. ~~On an interim basis, until the Ferry Building is redeveloped and additional accessory parking provided, widen the sidewalk in front of the Ferry Building as part of a waterfront promenade, develop a smaller plaza directly in front of the building, and permit a single row of parking on either side of the Ferry Building. Use special paving materials for the promenade, the smaller~~

~~plaza, and the parking row and access lanes so these elements are visually integrated.~~ If found to be feasible after further analysis, extend the California Street cable car down Market Street to the plaza and create a MUNI bus stop adjacent to the east-west axis of the plaza along the Embarcadero. Use street furniture that provides weather protection and install additional ornamental double light fixtures like those presently used along the Embarcadero.

(Amended by Resolution 11882 on 3/1/1990 and Resolution 14194 on 9/19/1996)

POLICY 4a Establish a Downtown Ferry Terminal at the Ferry Building as a primary destination point for all ferry and excursion boat riders on San Francisco Bay. The Downtown Ferry Terminal should provide a range of public landing facilities accessible to the disabled community to accommodate all vessel types requiring access to San Francisco. Any landing facilities should allow multiple operators access to the facilities.

POLICY 5 Improve pedestrian access through the Ferry Building to the Downtown Ferry Terminal including ~~between~~ the Golden Gate Ferry Terminal ~~and The Embarcadero~~. Create a continuous walkway along the eastern side of the Ferry Building ~~of approximately 10,000 to 20,000 square feet~~ that is separate from service vehicle access, to improve public access and to provide expanded space for ferry, excursion boat, water taxi and other waterborne transit riders.

POLICY 6 Allow on the Ferry Plaza ~~BART Platform~~, immediately east of and related to the Ferry Building, minor amounts of outdoor commercial recreation uses which are consistent with the use of the ~~Platform~~ Plaza as open space and a regional transportation center ~~such as~~ (e.g. a cafe, outdoor dining, ~~and~~ flower vendors and other convenience retail services for commuters and visitors). Retain the existing restaurant, plaza, and ferry terminal. ~~Relocate the existing ferry pier from between Pier 1 and Ferry Building to the south side of the BART Platform.~~

Agriculture Building

POLICY 1 ~~Restore~~ Rehabilitate and adaptively reuse the Agriculture Building, consistent with the Secretary of the Interior's Standards for Rehabilitation, for the following types of potential activities: museum, community facilities, commercial recreation and public assembly, artist/designer studios and galleries, and general office. In addition, allow for the creation of a passenger waiting area for possible future airport and Treasure Island ferry shuttle service. ~~Retain the original 1915 facades. Remove the 1918 addition and construct a new bay-side addition. Provide a gallery running the length of the building open at either end to connect with public outdoor spaces including tidal stairs adjacent to the Embarcadero Promenade. Permit the addition of a partial third floor, to be higher, except for the gallery skylight, than three feet above the peak of the existing roof. Use the first floor as a food hall and the second and third floors as a dining club to be relocated from the Ferry Building.~~ ~~Create~~ Extend a continuous walkway from the Ferry Building to ~~at~~ the eastern side of the Agriculture Building ~~at least 15 feet wide~~ which connects with The Embarcadero Promenade south of the Agriculture Building.

POLICY 2 Limit ~~Remove the~~ parking on the platform adjacent to the existing restaurant to restaurant service only. Allow vehicular pick-up and drop-off usage if associated with ferry service expansion. Retain the existing restaurant. Consider architectural improvements to enhance the restaurant's waterfront identity, improve views from The Embarcadero and provide perimeter public access.

Between Agriculture Building & Pier ~~24~~ 22½

POLICY 1 ~~Develop a~~ Maintain and enhance the portion of Herb Caen Way/The Embarcadero Promenade between the Agriculture Building and the Pier ~~24~~ 22½ Fireboat House. Maintain visual continuity along the water and create a variety of water edge experiences. ~~Landscape the promenade where it will not block view corridors. Plant a double row of large trees to define activities, frame views and buffer winds. Provide appropriate street furniture to include wind protected seating areas and pedestrian scale lighting.~~

POLICY 2 Maintain open water where dilapidated Piers 14 through 22 have been removed as a visual relief to the intensely developed Downtown. Allow ~~a buoy system for~~ transient mooring at minimum cost for approximately 50 boats and include a boat shuttle service. Locate these facilities to avoid operational conflict with other waterborne transportation services in the area.

[Note: Policy 3 regarding Pier 22-1/2 has been relocated to the South Beach Subarea Section, to follow Objective 26c, p. 40.]

[Note: The policies for Pier 24, have been revised and relocated to follow Objective 26c below, p. 40.]

[Note: East Street Row Policy 1 and Rincon Annex Policies 1 and 2 are proposed for deletion because these policies were implemented in the course of redevelopment of the buildings described.]

~~**East Street Row**~~

~~**POLICY 1**~~ ~~Retain and as needed rehabilitate the YMCA and adjacent hotel buildings. Historically restore the Audiffred Building for commercial use. Infill vacant sites with buildings of similar scale, character and use. Allow housing up to 110 dwelling units per acre as an alternative to office use on Lots 8 and 12 of this Block 3715.~~

~~**Rincon Annex**~~

~~**POLICY 1**~~ ~~Retain and restore as a historic landmark, the Rincon Annex Building, including the lobby and murals but excluding the loading docks. Adapt the building to new uses compatible with preservation. Consider re-use of the lobby as a local post office and/or museum and adapt the remainder of the building to a variety of commercial~~

~~uses such as offices. If feasible, utilize the building's roof for a public garden and permit development of restaurants in the existing towers. Consider adding skylights compatible with the roof design and/or a new interior court.~~

~~**POLICY 2** Develop a predominantly residential mixed-use complex with lower floor offices and ground floor commercial support uses on the rear (southern) portion of the Rincon Block according to the following program:~~

- ~~Housing (approx. 400 units)~~
- ~~Ancillary parking (approx. 400 spaces)~~
- ~~Lower floor office and ground floor commercial support (approx. 35,000 s.f.)~~

~~Design the new development with consideration for its historic environment and relationship to the East Street Row, Rincon Annex, the Ferry Building and Hills Brothers Coffee Building.~~

[Note: Policy 3 below has been integrated with Objective 27, Embarcadero Roadway Policy 1b below, p.48.]

~~**POLICY 3** Close Steuart Street between Mission and Howard to through traffic.~~

[Note: Hills Brothers Coffee Policy 1 is proposed for deletion because this site was included in the Rincon Hill Area Plan, adopted in 1985 and the site was redeveloped.]

~~**Hills Brothers Coffee**~~

~~**POLICY 1** Retain Hills Brothers Coffee facility in its current use as long as possible and accommodate its needs for truck access and parking.~~

Block 3741

POLICY 1 Develop a 500,000 to 600,000 square foot commercial office building which may feature ground floor commercial space and meeting rooms and an auditorium.

(Amended by Resolution 13159 on 8/22/1991, Resolution 13220 on 12/1/1991 and Resolution 14324 on 3/6/1997)

(Policy 2 was amended by Resolution 13159 on 8/22/1991 and deleted by Resolution 14324 on 3/6/1997)

~~Inland Site~~ Rincon Park

POLICY 1 Reroute The Embarcadero roadway onto Steuart Street between Howard and Harrison Streets. In the strip vacated by the Embarcadero and on Blocks 3742 and 3743, build a public park adjacent to and inland of the Herb Caen Way/Embarcadero Promenade. Orient the park to the Bay and relate the park to the recreational preferences of residents and workers in the City and Bay Area, rather than tourists. Provide large grassy open areas, a range of recreational equipment including a play structure, a tot lot, benches, game tables under shelter, and restrooms.

POLICY 2 Allow up to 12,000 square feet of indoor building area and up to 8000 square feet of outdoor area ~~space on the inland site~~ south ~~north~~ of Folsom Street to be used for a "Tavern-on-the- Green" type restaurant(s) and plaza. Design the restaurants to include opportunities for indoor and outdoor dancing and dining and for special events. Develop hard surface plaza areas and terraces which can vary in elevation adjacent to the restaurant(s) to create a variety of spaces and viewing experiences. Use landscaping and glass screens to protect from winds. If feasible, provide outdoor heating in selected areas to extend the seasonal and night-time comfortable usage of plazas. Encourage the restaurant(s) to expand their seating into portions of the plazas but ensure that the plazas do not become the sole territory of private establishments. Provide seating which does not exclusively require patronage to adjacent restaurants. While a restaurant is a preferred use on the site, allow consideration of minor amounts of other retail opportunities which similarly complement park activities and provide financial support to the Port.

POLICY 3 Change the Height and Bulk District on Block ~~3742~~ 3743from 84-E to 40-X. Change the Height and Bulk District on the rest of the ~~Inland Site~~ Rincon Park Site to open space.

~~NORTH CHINA BASIN AREA~~ SOUTH BEACH SUBAREA

[Note: The description of this subarea has been moved here from p. 6.]

~~North China Basin Area~~

(Piers ~~26~~ 22½ through 46 B)

~~South of the Bay Bridge, Piers 26-38 would continue in break-bulk cargo handling and related shipping activities. Piers 42-46A and a portion of Pier 40, which are presently almost vacant and in unsound condition, would be removed and the area developed as a full service marina and small boat harbor~~.

The South Beach Subarea extends from the Pier 22 ½ Fireboat House , adjacent to the planned Rincon Park, to China Basin Channel and inland for a depth of one or two blocks. Since the 1980's, this subarea has been transforming into a new residential and commercial mixed use neighborhood, which still retains some of its industrial and maritime past. Because the piers originally built for breakbulk shipping are now obsolete, they are mostly vacant or underutilized, and no longer serve a primary maritime function. As a result, two are in an advanced state of deterioration and have been condemned. The single pierside improvement is South Beach Harbor, a full-service marina and small boat harbor completed in 1986 adjacent to Pier 40, which entailed the removal of former Piers 42-46A. The South Beach Harbor, together with the transportation improvements installed along The Embarcadero, provide key waterfront amenities for residents in the new inland Rincon Hill and South Beach neighborhoods. Inland of the harbor, the first phase (four acres) of South Beach Park has been developed. ~~a large waterfront Park with dramatic views would be provided~~.

In March 1996, the San Francisco voters approved the development of a ballpark with a maximum seating capacity of 45,000 seats and related commercial uses for Pier 46B. This new facility will attract many visitors to the area and stimulate restaurants and night entertainment in the surrounding area. The redevelopment of Pier 46B will allow the continuation of the ~~promenade~~ PortWalk alongside China Basin and the connection with the Lefty O'Doul Bridge and trails south of China Basin.

Plan policies encourage redevelopment on other piers to provide opportunities for improved excursion boat, ferry and historic ship berthing and other maritime facilities, maritime support operations, commercial recreation and assembly and entertainment activities. Public access improvements also are proposed which will make the waterfront inviting and safe for nearby residents as well as visitors from downtown and beyond. The remaining inland sites which are vacant or underutilized may be developed with residential or commercial uses which complement the redeveloped areas in South Beach and Rincon Hill and new pierside activities, as well as accommodate accessory parking associated with new uses in the vicinity.

On non-Port owned inland areas, ~~viable warehousing, industrial uses and historic structures will be retained and~~ a mixed-income residential community with open spaces and commercial support services ~~would be built where~~ is being developed on vacant or underutilized property ~~presently exists~~. The new community ~~would focus on~~ is interspersed with a few historic warehouses which have been adaptively reused. The historic Oriental Warehouse has been rehabilitated to accommodate live/work studios. ~~which would be adaptively reused for a community center and commercial purposes.~~ Walkways and bicycle paths combined with small plazas would connect the new residences to waterfront activities and other portions of the City. The new community ~~would be~~ is characterized by high density, low to mid-rise structures, recreating the fine-grained fabric of San Francisco neighborhoods and would takes advantage of proximity to the Downtown, a desirable microclimate, amenity value of the Bay, and helps ~~satisfy~~ meet San Francisco's need for new housing.

OBJECTIVE 26 TO ENHANCE THE ECONOMIC VITALITY OF THE AREA AND CAPITALIZE ON ITS UNIQUE LOCATION AND ENVIRONMENTAL ATTRIBUTES FOR ~~BOTH~~ COMMERCIAL AND RECREATIONAL MARITIME ACTIVITIES, MARITIME SUPPORT USES, COMMERCIAL AND RECREATIONAL USES, AND RESIDENTIAL DEVELOPMENT AND NEIGHBORHOOD SERVICES.

OBJECTIVE 26a WORK WITH RESIDENTS IN SOUTH BEACH AND ADJACENT NEIGHBORHOODS TO MAKE THE WATERFRONT INVITING AND SAFE BY PROVIDING WATER-ORIENTED COMMERCIAL RECREATION AND PUBLIC ASSEMBLY ACTIVITIES ON PIERS WHICH APPEAL TO RESIDENTS, WORKERS AND VISITORS OF THE CITY.

OBJECTIVE 26b TO PROMOTE A CONTINUOUS SYSTEM OF OPEN SPACES THROUGHOUT THE SUBAREA BY CREATING PUBLIC ACCESS IMPROVEMENTS AS PART OF MAJOR NEW PIERSIDE DEVELOPMENTS, WHICH CONNECT WITH AND EXPAND UPON THE NETWORK OF LANDSCAPED AREAS AND PUBLIC PARKS ALREADY DEVELOPED OR UNDERWAY.

OBJECTIVE 26c TO MAINTAIN HIGH STANDARDS IN THE DESIGN OF NEW DEVELOPMENT WHICH GIVE RISE TO A NEW ARCHITECTURAL IDENTITY FOR THE SHORELINE, AND WHICH COMPLEMENTS INLAND DEVELOPMENT.

[Note: The policy below (formerly Policy 3 under "Between Agriculture Building and Pier 22½", on p. 36) has been relocated here from the Ferry Building Subarea Section]

Pier 22½

POLICY 1 Preserve and restore and, if no longer needed in its current use, adaptively reuse the Fire House at Pier 22½.

[Note: Policies 1-3 below, which apply to Pier 24 have been moved here from the Ferry Building Subarea Section p. 36 and are proposed for revision or deletion.]

Piers 24-28

[Note: Policy 1 is proposed for deletion because Pier 24 is condemned and proposed for removal.]

~~**POLICY 1** Provide continuous perimeter pedestrian access around the water sides of the pier. Provide a direct connection from the promenade to the north apron and continue design details from the promenade onto the apron. Develop the open deck at the pier's eastern end at the Bay Bridge pylon for fishing. Install trash cans, benches, and lighting.~~

POLICY 2 Design new development which takes advantage of sweeping views of the downtown, and which preserves and enhances views of the Bay Bridge and water from Harrison Street.

POLICY 3 Improve shoreline appearance, provide public access and open space, and expand views of open water by removing condemned Pier 24.

POLICY ~~2~~4 Allow the development at Pier 26 and 28 of ~~a limited amount of restaurants. Permit use of the 70,000 square foot shed for some unique~~ commercial recreation, some community facility, artist and designers studios and galleries, public assembly and/or maritime uses, but exclude ~~specialty retail~~, hotel, and boatel uses. Permit such uses in the existing sheds or new replacement structures, and incorporate new public access areas onto the piers which connect with and complement The Embarcadero Promenade and adjacent planned Rincon Park. Orient this development towards Bay Area ~~local~~ residents and workers rather than tourists. ~~Moor up to two commercial recreation-oriented historic ships on the pier's north side provided no such ships remain moored at Pier 3.~~ Permit ~~in the shed~~ the minimum amount of short-term parking necessary to serve uses in the pier sheds ~~at the pier~~ until inland parking sites are available.

~~**POLICY 3** Develop according to the following program:~~

~~• Public access-perimeter aprons (no less than 20,000 s.f.)~~

~~• Fishing plaza-east end of pier (no less than 20,000 s.f.)~~

~~• Mooring of up to two commercial recreation historic ships (see program for Pier 3 above)~~

~~• Within the 70,000 s.f. shed, a combination of some or all of the following:~~

~~– Restaurant and bar (up to 10,000 s.f.)~~

~~– Other uses as per above program (up to 70,000 s.f.)~~

~~= Short-term ancillary parking (up to 50,000 s.f.)~~

~~• Within the 30,000 s.f. bulkhead building between Piers 24 and 26.~~

~~= Office (up to 30,000 s.f.)~~

~~= Restaurant (up to 5,000 s.f.)~~

~~**POLICIES**~~

~~**Piers 26-38**~~

[Note: Policy 1 was deleted by Planning Commission Resolution 13709 on July 6, 1995 as part of the adoption of revisions to the Transportation Element of the General Plan]

~~**POLICY 1** Continue Piers 26-38 in maritime use and provide auto, truck, and rail access as required to enhance their maritime utility.~~

~~**Blocks 3766-3771**~~

[Note: Policy 1 was deleted by Resolution 13907 on 7/6/1995. Policies 2 and 4 below are proposed for deletion because these sites are included in the Rincon Hill Area Plan adopted in 1985.]

~~**POLICY 2** Preserve Hathaway's Warehouse and continue viable warehousing uses on Blocks 3768 and 3769 between Harrison, the Embarcadero, Bryant and Main Streets.~~

[Note: Policy 3 below is proposed for deletion. Land use policies for these Blocks are addressed in proposed new text for Block 3770/3771 below.]

~~**POLICY 3** On Blocks 3770 and 3771 between Bryant, the Embarcadero, and Beale Streets, close Main Street and develop parking, truck, and rail access to support and enhance the maritime uses on adjacent Piers 26 through 38.~~

~~**POLICY 4** Limit the height of any structure built on the northwest corner of Bryant and Beale Streets (Block 3766, Lot 7) to 24 feet. Ensure that such structures have a low profile and subdued design and color so as not to detract from the dramatic appearance of the adjacent Bay Bridge abutment. Screen the building with generous landscaping, including tall trees behind the building along the bridge abutment to relate to the trees to the west of the site. Provide vehicular access to the site only from Beale Street.~~

Pier 30-32

POLICY 1 Promote new development on Pier 30-32 which provides commercial recreation and public assembly activities, and maritime operations such as an excursion boat or cruise terminal. New development should provide a multi-faceted mix of activities oriented around a common theme rather than a singular commercial attraction. Allow accessory parking on the pier to serve these activities.

POLICY 2 Include public access improvements as a key component of major new development on the pier to further the creation of a PortWalk which guides circulation on the pier, takes maximum advantage of views of the City and the water, and which connects to the pedestrian improvements along The Embarcadero.

POLICY 3 Encourage activities that do not generate peak traffic volumes during commute periods in order to minimize congestion on roadway and transit systems.

POLICY 4 Require a high standard of architectural design appropriate to the prominence of the site, which also establishes a new architectural identity and standard for waterside development in the South Beach area.

Block 3770/3771

POLICY 1 Develop uses which support and enhance the mix of maritime and commercial recreation uses developed on Pier 30-32, as well as provide a transition between residential uses on inland blocks and public-oriented activities on the waterfront. Block 3771 would be a desirable location for a mixed commercial and residential development or a hotel, depending on the combination of uses developed on Pier 30-32. Incorporate off-street parking into the development program for Block 3771 to serve a significant amount of the parking demand associated with the Pier 30-32 development, if necessary.

Piers ~~40-46A~~ 34 - 40, and South Beach Harbor

POLICY 1 ~~Remove Piers 42, 44, 46A and the easternmost wooden portion of Pier 40~~ Improve shoreline appearance, provide public access and open space, and expand views of open water by removing deteriorating Piers 34 and 36 and extending the PortWalk out over the water to create a Brannan Street Wharf public open space. Develop the layout, design, improvements, and any allowances for accessory uses to promote the use of this open space in coordination with the community.

POLICY 2 ~~Develop~~ Maintain South Beach Harbor as a small boat marina of approximately ~~400~~ 700 slips for public pleasure craft ~~from Pier 40 to Pier 46A~~ and the public access and fishing pier on top of the breakwater.

POLICY 3 On Pier 40, provide a full range of services for recreational boating and water uses, including boat building and repair facilities, day dock storage, sail maker, boat sales and rental, ship chandlery and other uses related to the marina. ~~Construct a breakwater along the southern end of the marina and encourage fishing on it.~~

POLICY 4 Design any new or rehabilitated buildings on Pier 40 to reflect the bold, simple lines of traditional pier sheds. Provide continuous peripheral public access along the water sides of the pier including sitting and fishing areas, except for portions of the pier which may remain in ~~ship repair use and~~ maritime-related activities, where such public access might conflict. Locate a prominent sitting area at the eastern end of the pier. Ensure that pier railings and other design elements be compatible with the promenade and breakwater design. ~~Do not obstruct navigational requirements of major ships between Piers 38 and 40.~~

POLICY 5 Preserve the Pier 38 bulkhead building and promote uses in the bulkhead and on the pier which support and enhance the recreational boating and water uses located at Pier 40, including accessory parking and commercial recreation amenities. Pier 38 offers an opportunity to expand recreational boating facilities and services in the future, if feasible, and a location for maritime support services.

~~Public~~ South Beach Park

POLICY 1 Develop South Beach Park, between King and Second Streets and the Seawall, ~~provide approximately five to seven acres of~~ predominantly as a soft-surface park for public recreational use.

POLICY 2 Include areas for active sports such as volleyball and separate areas for passive activities such as sitting, game tables under shelter, and a tot lot. Include toilet and drinking facilities. Buffer the park from the Embarcadero with devices such as landscaping, berms, and changes in elevation. Provide for drop-off parking to serve the Dolphin P. Rempp Restaurant. Provide appropriate transitions towards the proposed ballpark with its overlooks. ~~Provide~~ Maintain a hard-surface pedestrian promenade along the water's edge with opportunities for sitting and viewing. Connect the promenade to the peripheral public access areas on Pier 40 and to the South Beach Harbor breakwater, and continue the promenade to Third Street and Lefty O'Doul Bridge. Permit pedestrian access to the marina only from the pier and breakwater and not directly from the park. Give special care to the location of a boat ramp. Prohibit commercial activities in the park but allow a limited amount of commercial recreation use incidental to and supportive of the open space. Provide promenade railings and other elements of a design compatible with the pier and

breakwater. Coordinate the design of South Beach Park and the creation of public access with the ballpark development on Pier 46B.

(Amended by Resolution 14400 adopted on 6/26/1997)

Residential Neighborhood

POLICY 1 Develop and maintain mixed-income housing, ~~at an overall density of approximately 85 to 95 units per acre with the minimum density being 40 units per acre and the maximum density being 110 units per acre,~~ with appropriate open space and neighborhood support uses on Blocks 3773, 3792, 3793 and portions of Blocks 3774 and 3789.

POLICY 2 Develop housing in small clusters of 100 to 200 units. Provide a range of building heights with no more than 40 feet in height along the Embarcadero and stepping up in height on the more inland portions to the maximum of 160 feet. In buildings fronting on Brannan Street in the 160 foot height area, create a strong base which maintains the street wall created by the residential complex to the east and the warehouse buildings to the west. Orient the mix of unit types to one and two bedrooms and include some three and four bedroom units. Pursue as the income and tenure goals, a mix of 20 percent low, 30 percent moderate and 50 percent middle and upper income, and a mix of rental, cooperative, and condominium units.

(Amended by Resolution 13159 on 8/22/1991)

POLICY 3 Organize the housing clusters to maximize views to the water and downtown as well as sun exposure while minimizing shading of open space and blocking of views from adjacent areas. To the extent feasible, locate family units on ground floor levels adjacent to open space and recreational areas. Provide personalized entryways and private open space to all units. Orient the buildings to provide privacy and security.

POLICY 4 Design the structures and dwelling units to express character and diversity. Incorporate high standards of indoor and outdoor private space design and convenience and use high quality materials. Express a human scale in surfaces and materials with articulated facades, bay windows, cornice lines, roofscapes, overhangs, towers and chimneys. Use varied light colors to break up building mass and liven surfaces. Design the housing complex to be energy efficient, and consider the use of passive solar systems.

POLICY 5 Incorporate most parking as part of the building within housing clusters. Because garages may be only a half level below grade due to the high water table, landscape

or buffer exposed garage edges. Locate residences above parking structures to stabilize them and minimize differential settlement. To the extent feasible, improve the portions of the garage roof not covered by structures for walkways and recreation areas. Use tree wells to allow large trees to grow within residential clusters. Design parking structures to have controlled vehicular access points and direct access to residential units for increased security. Provide additional guest and service parking for the residential units in street rights-of-way or adjacent to the clusters.

POLICY 6 Do not permit buildings to exceed 65 percent coverage of land or parking podium. To the maximum extent feasible, provide open space at ground level and provide planting in the ground. Ensure that any open space on top of a podium provides easy pedestrian and visual transition from the sidewalk.

Housing With Neighborhood Commercial

[Note: Policy 1 is proposed for deletion because it has been implemented by the development of the Delancy Street housing complex and rehabilitation center.]

~~**POLICY 1** Develop housing on Blocks 3790 and 3791 between Brannan, the Embarcadero, and First Street. In addition, allow neighborhood retail, professional services and other commercial uses oriented to the needs of residents of the adjacent housing and the larger South of Market area.~~

POLICY 2 ~~Orient buildings to buffer the residential area from the adjacent ship repair activities.~~ Design structures to protect views of the water down street corridors from the residential areas. Carefully consider roof design and conceal roof equipment because of its visibility from adjacent residences. Landscape flat roofs and finish sloped roofs in attractive materials. Allow exposed parking only if the parking areas are extensively landscaped. Consider the use of turf block instead of asphalt paving.

Historic Preservation

POLICY 1 Retain and historically restore for adaptive reuse the Cape Horn and Japan Street warehouses and allow small scale offices, neighborhood commercial and warehousing uses. Keep in industrial use that portion of Block 3774, Lot 24 which is needed to expand the manufacturing operation of the abutting industrial activity. If Lot 24 remains in industrial use, the structure on Lot 18 may remain and be used for warehousing. As an alternate use, develop the sites of the Cape Horn and Japan Street warehouses with housing provided that, to the maximum extent feasible, the street-facing facades of the existing structures are incorporated in the new development.

POLICY 2 Historically restore the Oriental Warehouse as the focal point of the residential community; include a combination of such uses as live-work, day care, recreation, and neighborhood services, professional offices and shopping. Remove the building to the north along the line of Brannan Street to enhance the form and visibility of the warehouse. Maintain the exterior facade and remove those windows that have been added without regard to the general exterior. Preserve portions of the existing paving as a public plaza and setting for the warehouse and remove unused spur tracks.

Streets, Walkways and Open Space

POLICY 1 Close the following streets completely: Berry east of Third Street, and Second south of King Street ~~the Embarcadero south of King, Main south of Bryant and Fremont south of Brannan~~. Close the following streets to through traffic, improve them as walkways and allow only limited local and service vehicle access: Townsend between Second and the Embarcadero, Colin P. Kelly Jr. between Townsend and Brannan, First between Brannan and the Embarcadero, and Beale between Bryant and Brannan.

(Amended by Resolution 14400 adopted on 6/2/1997)

POLICY 2 Develop a plaza next to the Oriental Warehouse which is centrally located, and connect it to smaller open spaces within the proposed neighborhood. Have walkways open onto small plazas to create intimacy and spatial definition and orient them to be protected from winds. Enhance the feeling of outdoor security through use of lighting, walkways design, ingress and egress points and good surveillance by building orientation.

(Amended by Resolution 13159 on 8/22/1991)

Pier 46B

POLICY 1 Develop an open-air ballpark with a maximum of 45,000 seats with related commercial uses including, but not limited to, office, retail, restaurants, live music performances and other forms of live entertainment, in a setting of waterfront public spaces.

(Amended by Resolution 14400 adopted on 6/26/1997)

POLICY 2 Encourage waterside public access improvements alongside the ballpark on Pier 46B which connect with the South Beach Harbor and South Beach Park and provide a link

to the Lefty O'Doul Bridge, thereby extending public access over China Basin Channel to the open space network planned for Mission Bay.

(Intercept Parking, Policy 1 deleted by Resolution 13907 adopted on 7/6/1997)

EMBARCADERO CORRIDOR

[Note: The description of The Embarcadero Corridor has been moved here from p. 6.]

The removal of the Embarcadero Freeway and construction of the Waterfront Transportation Projects has dramatically changed the character of the Embarcadero Corridor. Policies for ~~this subarea~~ The Embarcadero are intended to continue to facilitate the movement of people and goods, maintain ~~improve~~ environmental quality, enhance physical and visual access to the shoreline and contribute to the continued vitality of the waterfront. Much of this has been achieved by the reconstruction of the roadway as a major waterfront boulevard, with public transit, pedestrian promenade, sidewalk and landscaping improvements, and a public art program. These improvements have been constructed along the north and south extensions of The Embarcadero, and should be completed by improvements to the mid-section of The Embarcadero between Broadway and Howard Streets, and the design and construction of a grand civic plaza at the foot of Market Street, in front of the Ferry Building. ~~by eliminating the blighting influence of the elevated freeway. Recommendations include the freeway's removal from Broadway back to the Main and Beale Street off-ramps, the improvement of the Embarcadero as a waterfront boulevard, the creation of a historic rail transit line to serve commuter and recreational users, the continuation of service to maritime activities by the Belt Freight Rail Line, and, changes in the manner in which parking would serve the waterfront and downtown areas.~~

OBJECTIVE 27 TO IMPROVE THE EMBARCADERO CORRIDOR IN ORDER TO FACILITATE THE MOVEMENT OF PEOPLE AND GOODS, AND ENHANCE PUBLIC ACCESS TO AND ALONG THE WATER.

(Amended by Resolution 13907 adopted on 7/6/1995)

POLICIES

Embarcadero Roadway

POLICY 1 Realign the Embarcadero roadway between Broadway and Berry Street as follows:

a) Widen the sidewalks in front of Ferry Building ~~to~~ and create a major plaza in the roadway median as an appropriate terminus to Market Street. ~~When the freeway is removed reroute the roadway inland to increase the plaza size~~;

b) Reroute the roadway inland to Steuart Street from Howard to Harrison Streets to reduce its impact on the waterfront and to create opportunities for water-related activities; ~~and~~ close Steuart Street between Mission and Howard to through traffic.

c) Divert roadway traffic from Berry to King Streets to create opportunities for future water-related uses and to provide a direct transit link to the ~~Southern Pacific Depot~~ CalTrain Station.

(Amended by Resolution 14194 adopted on 9/19/1996 and Resolution 14400 on 6/26/1997)

POLICY 2 Maintain and improve the Embarcadero Roadway as follows:

(a) Provide two lanes each for southbound and northbound traffic with right and left turn channelization at selected intersections;

(b) Include an exclusive right-of-way for transit within the public right-of-way;

(c) Provide a promenade for pedestrians and joggers along the water side of the roadway and a bikeway for cyclists on the roadway;

(d) Provide signalized pedestrian crossings, integrated with transit stops along the Embarcadero at Bay, Sansome, Filbert, Green, Broadway, Washington, Market, Folsom, and Brannan Streets and on King Boulevard at Second and Fourth Streets. Establish traffic signals and speed limits which give priority to pedestrian movement across the Embarcadero roadway; and

(e) Light the roadway with ornamental fixtures similar to those presently found along the Embarcadero. Lighting levels should be sufficient for public safety while avoiding unnecessary glare. Plant street trees with an irrigation system along the right-of-way, transit way and promenade in a way that protects the urban, maritime character of the waterfront and preserves the views of the bay.

(Amended by Resolution 11882 on 3/1/1990 and Resolution 14194 adopted on 9/19/1996)

[Note: The Embarcadero Freeway Policies 1 and 2 were deleted by Planning Commission Resolution 13907, adopted July 6, 1995 to update the Transportation Element.]

[Note: Freight Rail Line Policies 1 and 5 were deleted by the Planning Commission Resolution 13907, adopted July 6, 1995 to update the Transportation Element. Policies 2, 3 and 4 were deleted

by Planning Commission Resolution 11882, adopted March 1, 1990 as part of the approvals for the Waterfront Transportation Projects.]

Transit

POLICY 1 Provide rail transit service in an exclusive transit way from Fort Mason to the Southern Pacific Depot. An extension of Market Street surface rail, the F-Line should operate north of Market Street; the vehicles should be historic in character in order to provide a special waterfront transit identity. South of Market Street the transit service should be a surface extension of the MUNI Metro. Allow for continuous rail transit service along the length of the waterfront ~~in the future~~.

(Amended by Resolution 11882 on 3/1/1990)

POLICY 2 Provide a MUNI Metro storage and maintenance facility ~~for rail vehicles adjacent to Interstate-280 near Sixteenth and Owens Streets~~ in the Third Street Corridor.

(Amended by Resolution 11882 on 3/1/1990)

POLICY 3 Provide transit stops at Bay, Sansome, Filbert, Green, Broadway, Washington, Market, Folsom, Brannan, Second and Fourth Streets.

(Amended by Resolution 11882 on 3/1/1990)

[Note: Policy 4 was deleted by Planning Commission Resolution 13907 adopted July 6, 1995 to update the Transportation Element.]

POLICY 4 If found to be feasible after further analysis, extend certain trolley and bus lines and the California Street Cable Car to the Ferry Building. Facilitate pedestrian movement from Justin Herman Plaza to the Ferry Building.

POLICY 5 Prohibit heliports or STOL ports, but continue to allow for emergency landings.

NOTES

~~1. Illustrative plans and graphics are not an official part of the Plan.~~

~~2. The size of Port piers and buildings is derived from prints of Port base maps which may not be completely accurate. Their true size, as determined by field examinations, shall govern rather than the estimates contained in this Plan~~ The Port Commission adopted the Waterfront Land Use Plan (Resolution 97-50, June 24, 1997, which is consistent with the Northeastern

Waterfront Plan (See Planning Commission Resolution _____, (date of adoption) and which contains further information, objectives, policies and development standards pertaining to the use of Port property.

3. **Glossary of Terms**

Bay-Oriented (or Water-Oriented) Commercial Recreation and Bay-Oriented Public Assembly: Non-maritime facilities specifically designed to attract large numbers of people to enjoy the Bay and its shoreline, such as restaurants, cafes, specialty shops, hotels, boatels, theaters, concert halls, galleries, amusements, night clubs, ~~and~~ cabarets, and the ballpark at Pier 46B. On Port property, hotels are restricted to sites which are located more than 100 feet inland from the shoreline.

Burton Act: State legislation which sets the terms and conditions for the transfer of Port property to the jurisdiction of the City and County of San Francisco, subject to control and management by a local Port Commission. (*California Statutes*, Chapter 1333, 1968.)

Cargo Shipping: Primary, support and ancillary facilities for waterborne transport of cargo including but not limited to: shipping terminals and berths, cargo handling, storage and warehousing, equipment storage and repair facilities, cargo sourcing, container freight stations, freight rail and truck access, ship servicing, administrative functions, and employee support services, (e.g. training facilities, parking).

Commercial and Recreation Maritime Activities (See also definition of "Maritime"): Waterborne activities providing waterfront attractions which enhance public enjoyment of the water including but not limited to ferries and excursion boats, cruise terminal, historic ships, and recreational boating.

Fill: ~~Material including earth and pilings; any water coverage, whether on pilings or by cantilever, and floating structures moored for extended periods of time, such as houseboats and floating docks, but excluding historic ships~~. As defined in the *McAteer-Petris Act*,"earth or any other substance or material including pilings or structures placed on pilings, and structures floating at some or all times and moored for extended periods, such as houseboats and floating docks."

Maritime:A general term used to describe ~~Referring to~~ industrial, commercial or recreation activities ~~and other operations directly~~ related to the conduct of waterborne commerce ~~or~~ navigation and recreation, including but not limited to: cargo shipping, ship repair, ferries and excursion boats, cruises, recreational boating, historic ships, ~~commercial~~ fishing industry

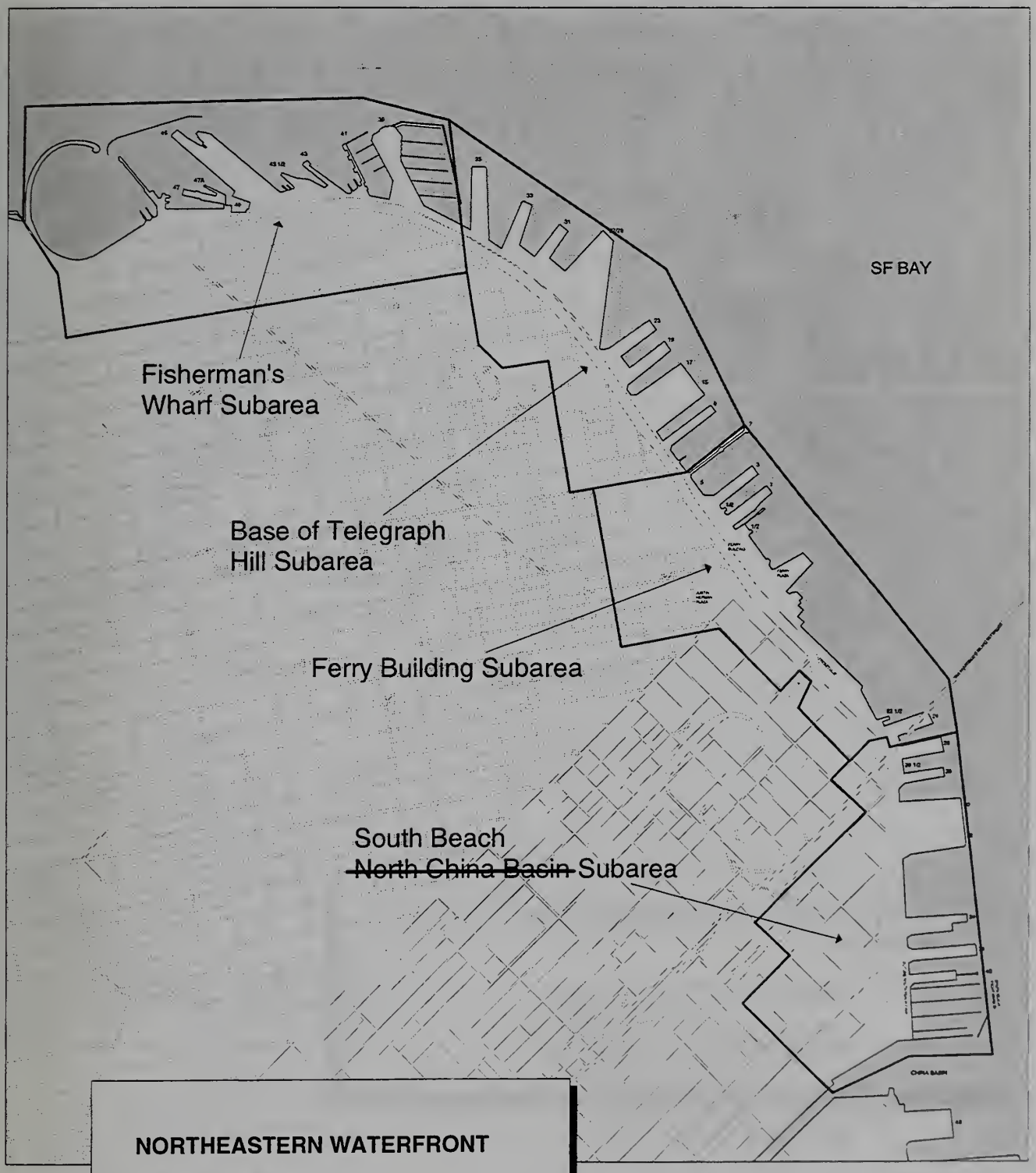
and berthing. ~~and related or accessory uses. The term maritime does not refer to such uses as water-oriented restaurants or marinas for sport fishing or recreational boats.~~

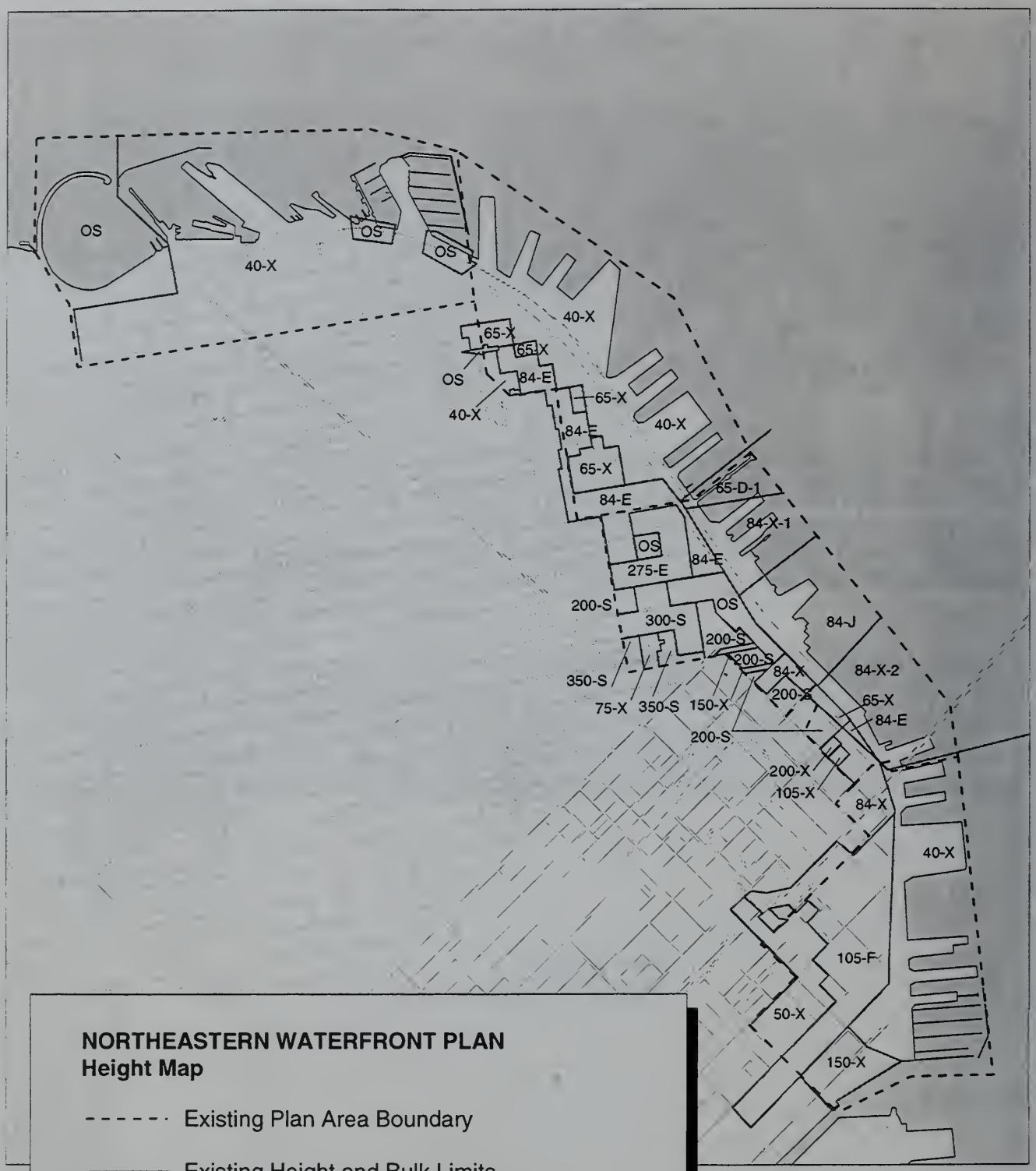
Maritime Support Services: Ancillary functions needed to support maritime activities including but not limited to: tug and tow operations, bar pilots, ship chandlers, associated parking and maintenance, equipment storage, repair and warehouse facilities, environmental services, Foreign Trade Zone and Port maintenance.

McAteer-Petris Act: An Act passed by the State legislature in 1969 which created the San Francisco Bay Conservation and Development Commission (BCDC).

PortWalk: New public access walkways and amenities extending onto piers, where feasible, as major new mixed use pier developments occur that, together with public sidewalks and rights-of-way and pedestrian improvements under construction along The Embarcadero, will provide continuous pedestrian access through waterfront activity areas. PortWalk improvements will primarily be located north of China Basin, but also could be established south of China Basin where possible.

Public Trust: Under the public trust doctrine, title to tidelands and lands under navigable waters (as existed when California became a state) is held in trust by the State for the benefit of the people of California and must be used for purposes of commerce, navigation and fishing as well as for environmental and recreational purposes. The Port of San Francisco is the trustee for public trust lands granted to the City by State legislation in 1968 (i.e. the Burton Act).

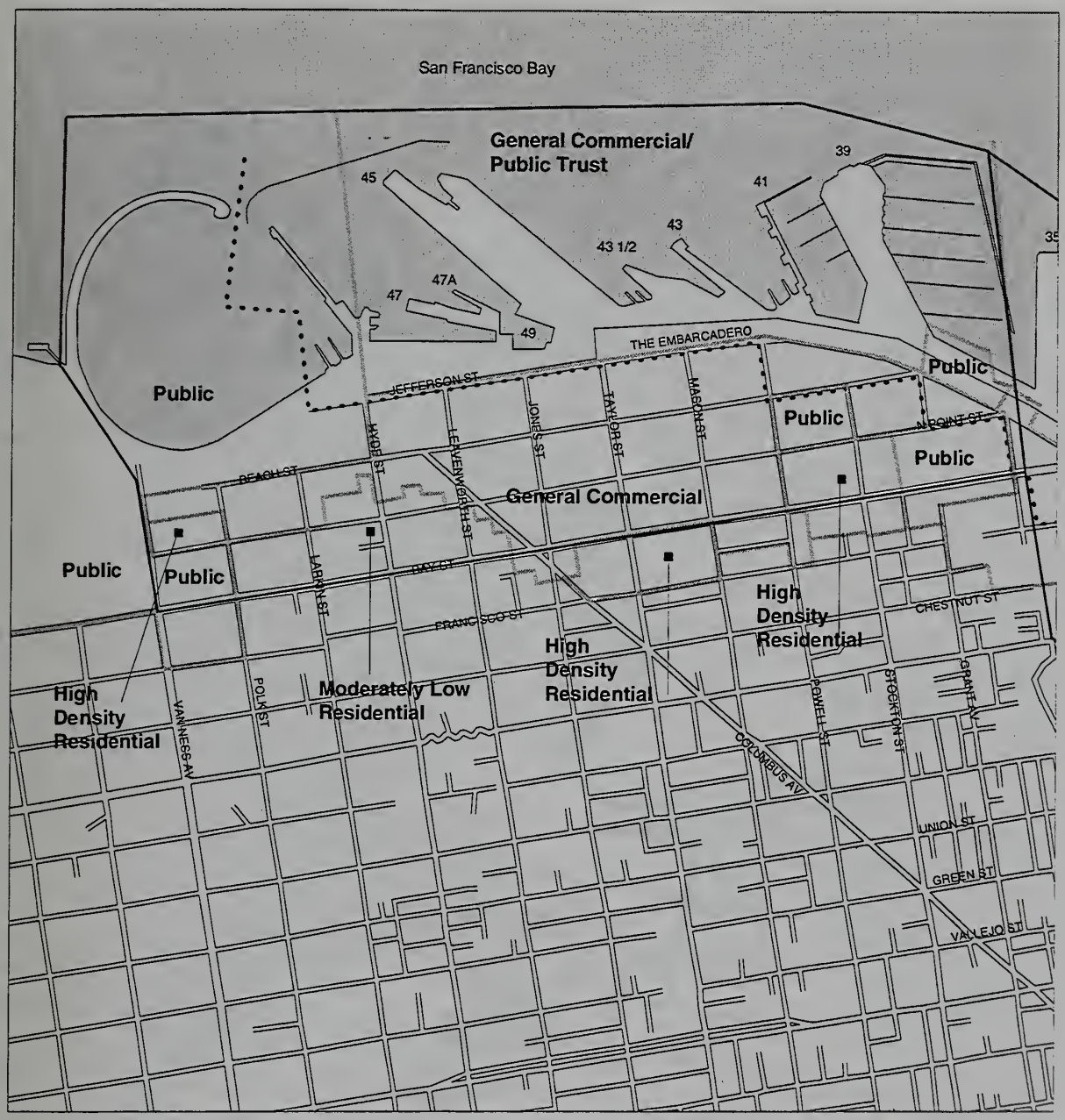

SF BAY
Fisherman's
Wharf Subarea
Base of Telegraph
Hill Subarea
Ferry Building Subarea
South Beach
~~North China Basin~~ Subarea
NORTHEASTERN WATERFRONT
Planning Area
scale: 1in = .76 mi



NORTHEASTERN WATERFRONT PLAN
Height Map

- - - - - - Existing Plan Area Boundary

——— Existing Height and Bulk Limits



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Fisherman's Wharf Subarea Generalized Land Use Map

- Port Property Boundary
- Existing Plan Area Boundary
- Zoning Boundary

General Commercial
Allowing most commercial and residential uses

General Commercial/Public Trust
Allowing for most commercial and residential uses subject to use limitations contained in the policies and regulations under the Burton Act, McAteer-Petris Act, General Plan and the Port's Waterfront Plan.

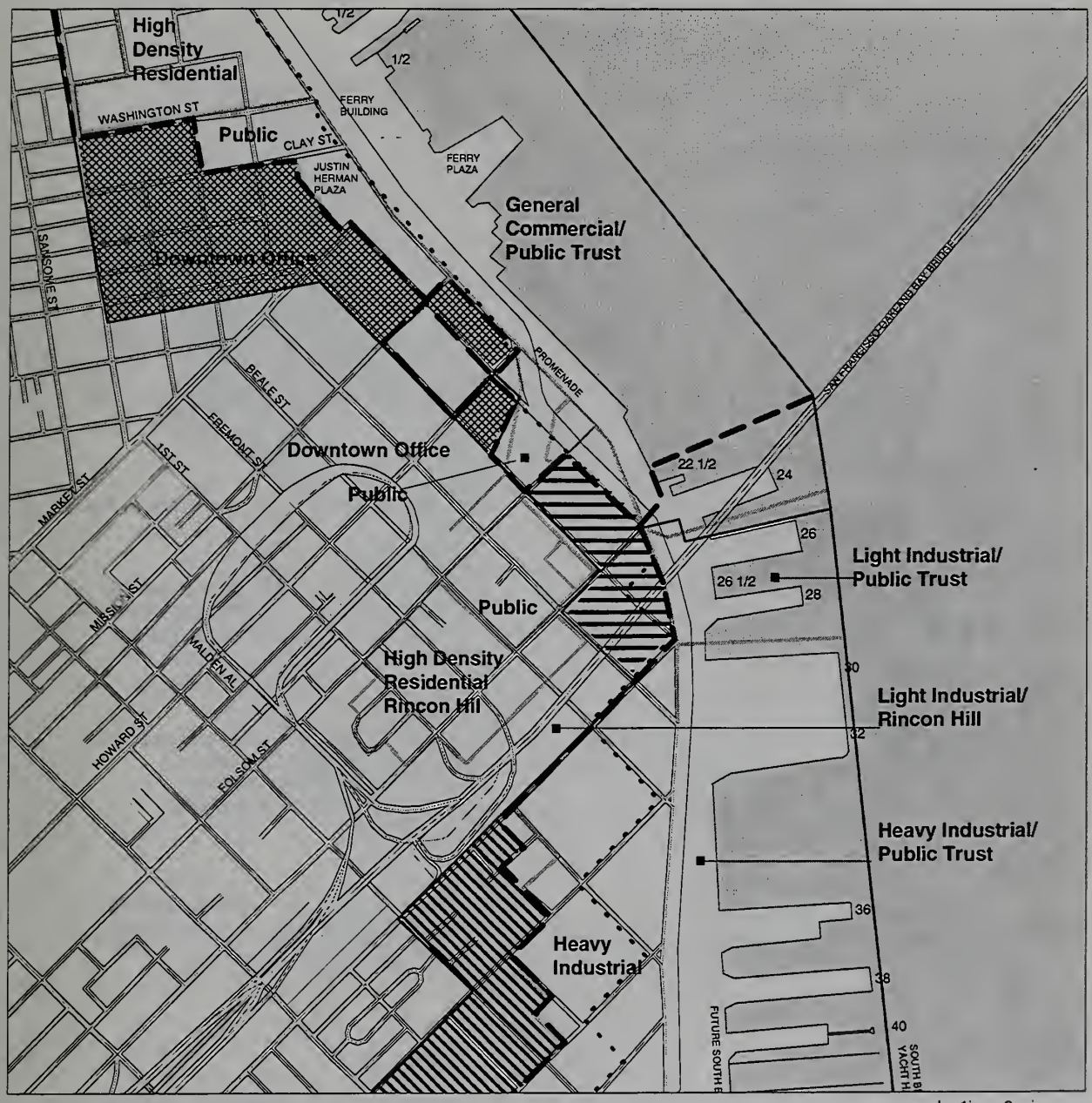
Base of Telegraph Hill Subarea Generalized Land Use Map

- Port Property Boundary
- Existing Plan Area Boundary
- Boundary changes for subarea boundaries at Pier 7.
- Zoning Boundary

General Commercial
Allowing most commercial and residential uses

Light Industrial/Public Trust
Allowing for light industrial, maritime and commercial uses subject to use limitations contained in the policies and regulations under the Burton Act, McAteer-Petris Act, General Plan and Port Waterfront Land Use Plan

General Commercial/Public Trust
Allowing for most commercial and residential uses subject to use limitations contained in the policies and regulations under the Burton Act, McAteer-Petris Act, General Plan and the Port Waterfront Plan.



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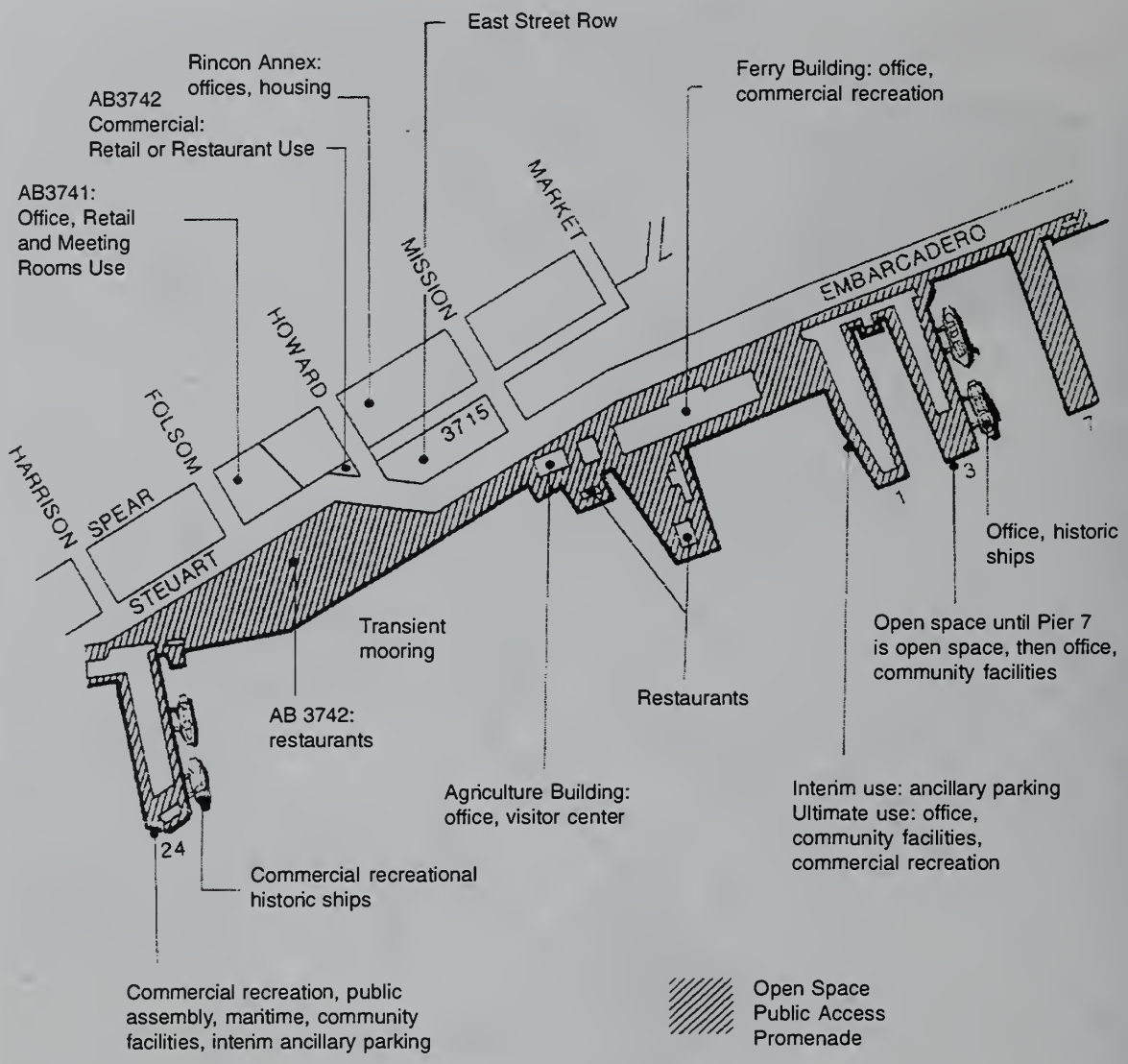
Ferry Building Subarea Generalized Land Use Map

- Port Property Boundary
- Existing Plan Area Boundary
- Plan Area Boundary changes
- Zoning Boundary
- Area under Downtown Plan and proposed to be deleted from Northeastern Waterfront Plan Area
- Area under Rincon Hill Plan and proposed to be deleted from Northeastern Waterfront Plan Area
- Area under the South of Market Plan and proposed to be deleted from the Northeastern Waterfront Plan Area

General Commercial
Allowing most commercial and residential uses

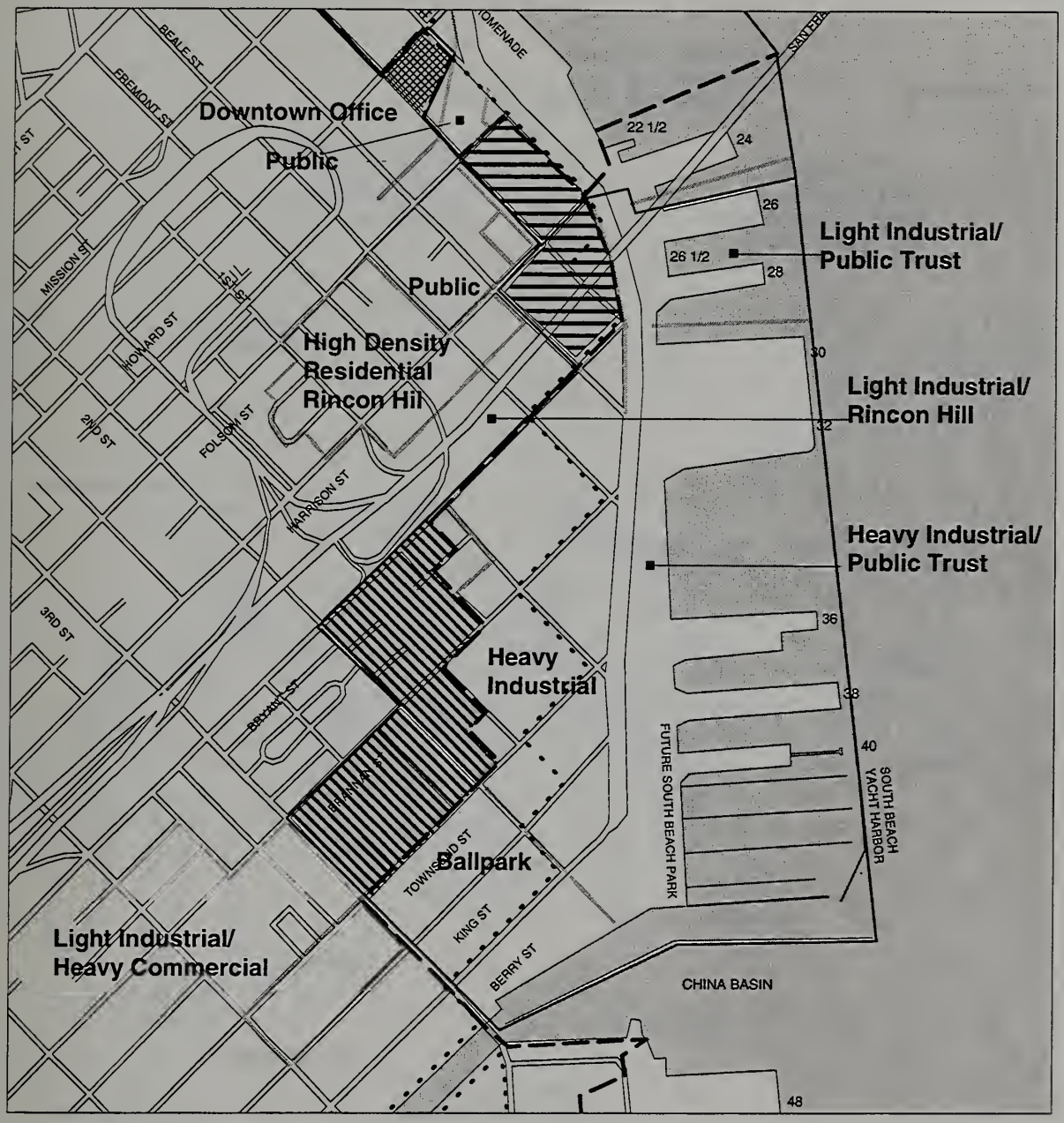
Light Industrial/Public Trust
Allowing for light industrial, maritime and commercial uses subject to use limitations contained in the policies and regulations under the Burton Act, McAteer-Petris Act, General Plan and Port Waterfront Land Use Plan

General Commercial/Public Trust
Allowing for most commercial and residential uses subject to use limitations contained in the policies and regulations under the Burton Act, McAteer-Petris Act, General Plan and the Port Waterfront Plan.



FERRY BUILDING AREA
Land Use Plan

This Map is proposed to be deleted and replaced with the Generalized Land Use Map for the Ferry Building Subarea. (Map 5)



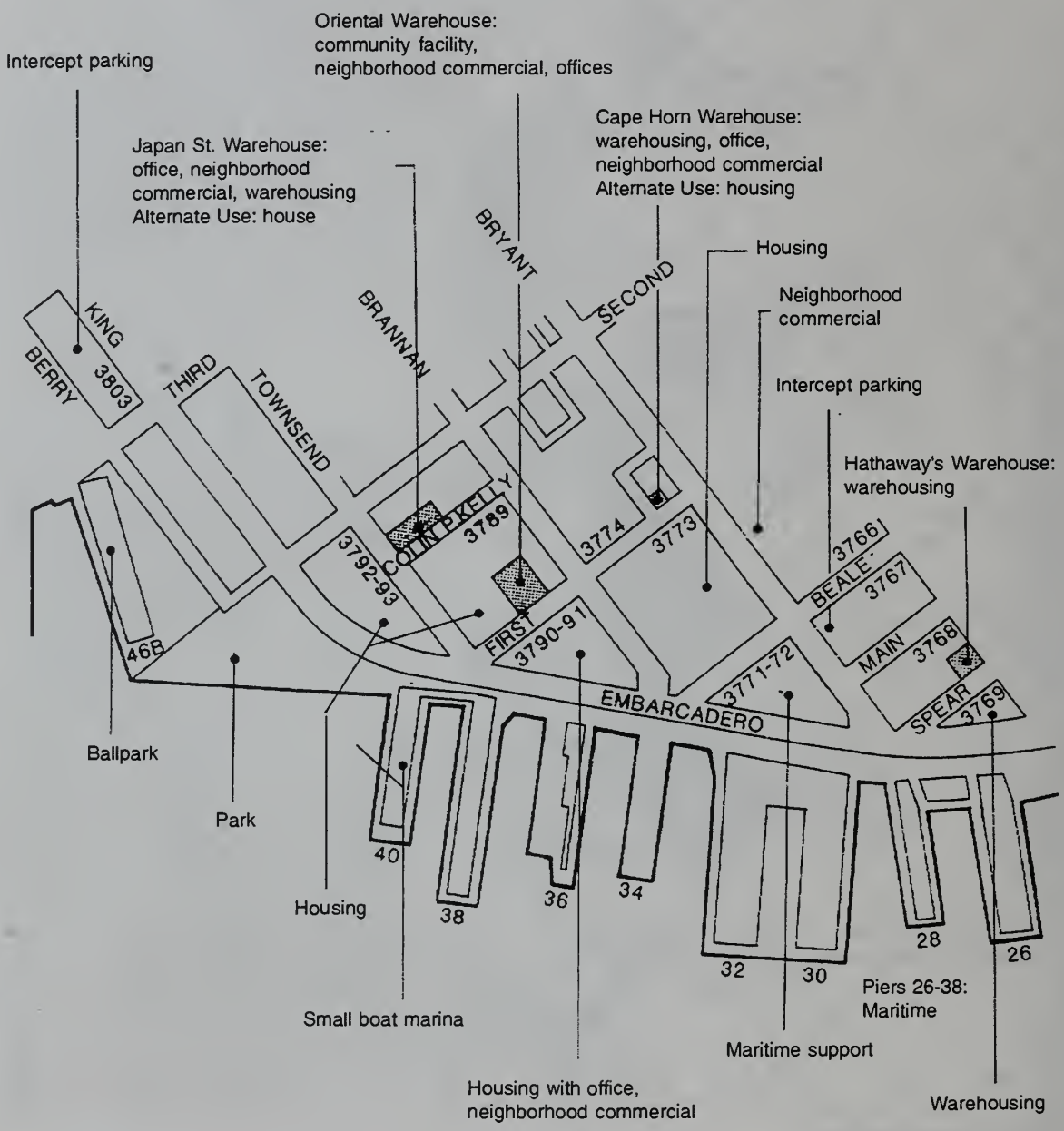
South Beach Subarea
Generalized Land Use Map

- Port Property Boundary
- Existing Plan Area Boundary
- Proposed Plan Area Boundary
- Zoning Boundary
- Area under South of Market Plan, proposed to be deleted from Northeastern Waterfront Plan Area.

General Commercial
Allowing most commercial and residential uses

Light Industrial/Public Trust
Allowing for light industrial, maritime and commercial uses subject to use limitations contained in the policies and regulations under the Burton Act, McAteer-Petris Act, General Plan and Port Waterfront Land Use Plan

General Commercial/Public Trust
Allowing for most commercial and residential uses subject to use limitations contained in the policies and regulations under the Burton Act, McAteer-Petris Act, General Plan and the Port Waterfront Plan



NORTH CHINA BASIN AREA
Land Use Plan

This Map is proposed to be deleted and replaced with the Generalized Land Use Map for the South Beach Subarea. (Map 7)

CENTRAL WATERFRONT PLAN

(Notes: These amendments are proposed to make the Port's Waterfront Land Use Plan consistent with the San Francisco General Plan. This document contains excerpts from the Central Waterfront Plan which are affected by the proposed amendments, and thus the page numbers are not always in sequence. Proposed additions are double-underlined; proposed deletions are shown with strike-outs.)

The Central Waterfront Plan Part 1 was originally adopted by the Planning Commission on July 3, 1980 (Resolution 8631) and after the 1988 publication amended by Resolution 12040 on 9/27/1990 and Resolution 13709 on 7/6/1995. Throughout the text, amendments to the 1988 printed version are noted below the amended text.

INTRODUCTION

Scope and Organization

The geographic area covered in the Plan is comprised of a number of subareas shown on Map 1. The Plan begins with introductory material covering the purpose of the Plan, relation to the Master Plan and Background. The Plan is then divided into two parts. Part I contains general objectives and policies for the Showplace Square, Central Basin, North Potrero, Islais Creek and Lower Potrero subareas followed by specific objectives and policies for each subarea. Part 2 contains objectives and policies for the Mission Bay subarea. This part is separately published as the Mission Bay Plan. It has been organized to qualify as a Specific Plan pursuant to state law and is the subject of a development agreement between the City and County of San Francisco and Catellus Development Corporation.

(Added by Resolution 12040, 9/27/1990)

Purpose

The purpose of this Area Plan is to guide the future development of the Central Waterfront in a manner serving the varying needs and interests of San Francisco. The Plan establishes goals, objectives and policies providing direction for private and public investment in the area. It calls for development that will meet the City's pressing economic and employment needs without sacrificing environmental quality. The Plan is part of the San Francisco Master Plan and will set the official planning policies for the area.

The Central Waterfront Area Plan is designed for use by private enterprise, City government, and the general citizenry. By providing a consolidated statement on the future of the Central Waterfront, the Plan indicates to private enterprise what kind of development is being sought and what type of City support can be expected. The Plan presents a key coordinating tool for government programs involving capital projects and improvement proposals, and will also be used for evaluating any potential use of City-owned property. The Plan additionally conveys to the citizenry a statement of community needs and aspirations and of how the development of the Central Waterfront will assist in satisfying these.

Relation to the Master Plan

The updating and revision of the City's Master Plan as mandated by State law and the City Charter has resulted in the adoption of numerous plan elements. One of them, the Commerce and Industry Element, sets forth the planning principles to be applied in shaping the economic future of the City.

A critical issue addressed in the Commerce and Industry Element concerns the changing structure of the San Francisco economy. The once strong industrial component has declined and given way to the rapidly expanding office and commercial sectors. This structural shift in the local economy is mirrored in the changing composition of the labor force employed in the City.

Problems arising from this changing economic function of the City are becoming increasingly apparent. There is the danger stemming from over reliance on a limited number of economic sectors to provide jobs, especially during recessionary periods. The ability and speed with which resident workers can adjust to the job requirements of white collar employment remains uncertain. The daily influx of several hundred thousand commuters has adverse effects on air quality, traffic congestion, parking, and the demand for scarce public services. The character of San Francisco neighborhoods is also being altered. White collar professionals seeking living quarters have pushed up the price of housing and their spending patterns are leading to changes in the type of goods and services offered on neighborhood commercial streets.

The above factors were considered in arriving at the objectives in the Commerce and Industry element strongly favoring the diversification of San Francisco's economic base. The implementation program for the element calls for the preparation of industrial district improvement plans as a means of realizing these objectives. The Central Waterfront Area Plan represents a step toward fulfilling this task.

The Central Waterfront Area Plan emphasizes maritime and economic development policies, as well as housing policies, while at the same time establishing policies regarding transportation, recreation, commerce, and urban design and historic preservation. The formulation of these policies is based on the existing policies established in the various elements of the Comprehensive Plan.

(Amended by Resolution 12040, 9/27/1990)

Background

Description

The Central Waterfront covers the eastern shoreline of San Francisco between China Basin and Islais Creek and adjacent inland areas. The land area totals 900 acres or 1.4 square miles.

Industrial uses dominate the Central Waterfront; however, much of the industrial activity takes the form of low intensity distribution functions such as wholesaling and storage. Until recently, rail yards consumed approximately one-third of the land. Trucking and warehousing facilities are present on the rail property as part of the railroad's intermodal operations. Manufacturing activity is limited and generally declining, though several manufacturers remain healthy. Some industrial buildings have been salvaged through commercial reuse. A major design center ~~has~~ emerged in the northwest section of the area and ~~is being~~ was developed through the conversion of brick warehouses

to showrooms for interior design products.

(Amended by Resolution 12040, 9/27/1990)

The Port of San Francisco has jurisdiction over much of the shoreline of the Central Waterfront area. ~~Current~~ In the mid-1990's, industrial maritime activities within this area include: ~~Pier 48 — Forest, Terminals Paper dock;~~ Pier 50 — ~~ship repair~~ Port maintenance and repair operations ~~break bulk general cargo dock;~~ Pier 54 — cargo support services; ~~Continental Maritime welding/ship repair facility; Pier 70 (Alvord Grant) — auto terminal and fuel dock~~; and Pier 80 — San Francisco Container Terminal North. ~~and Pier 84 — general cargo dock. In association with these maritime operations, two major railroad holding yards existing — Santa Fe Railroad and Southern Pacific Railroad's Mission Bay Yard. These railroads served the Port, and other industries based in San Francisco.~~ Freight rail to these and other industries and Port facilities is provided by ~~Southern~~ Union Pacific Railroad.

Also located along the shoreline within Port jurisdiction is the former Bethlehem Steel Shipyard. This yard, located at Pier 68, consists of ~~a number of~~ two dry docks for repairs of ~~merchant~~ commercial and military vessels. ~~as well as "ship ways" for the construction of barges~~. In between Port properties, a large section of the shoreline is occupied by a power plant operated by P. G. and E.

(Amended by Resolution 12040, 9/27/1990)

The Central Waterfront area contains uses other than those involving industrial and port related maritime activities, such as boat clubs and small boat repair yards. A small residential neighborhood of several hundred inhabitants and supporting commercial uses is situated east of Potrero Hill and a houseboat community is berthed in China Basin Channel. Other commercial uses in the area cater to the needs of workers and businesses. Recreational opportunities are provided at China Basin Channel, Warm Water Cove, ~~and~~ Agua Vista Park and Islais Creek on the shoreline where public access points to the Bay have been established. A MUNI bus maintenance yard is also located in the area.

(Amended by Resolution 12040, 9/27/1990)

Access to the Central Waterfront is afforded through the close proximity of the freeway network and through local transit service and a commuter and freight railroad. Although it appears that access to the Central Waterfront might be adequate, the bus and rail service are infrequent. The lack of parking for trucks and automobiles and the poor condition of public streets and sidewalks also act as hindrances to the area's accessibility.

(Amended by Resolution 12040, 9/27/1990)

The most recent filling of Islais Creek occurred during the construction of Pier 80, formerly the Army Street Ship Terminal. Financed by a bond issued approved by California voters in 1958, the terminal went into operation in 1967.

Land modification and Bay fill, both to accommodate the needs of economic activities, epitomize the historical development of the Central Waterfront. The recent history has taken a different turn. The establishment of the Bay Conservation and Development Commission, empowered to control activities on the Bay shoreline, has led to severe limitations on Bay filling. Changes in the locational economics of industry have resulted in firm closures and relocations. The area as of 1990, is suffering from economic deterioration with employment and production drastically reduced from former levels.

Conditions and Trends (1990's)

(Amended by Resolution 12040, 9/27/1990)

Key indicators of the general conditions in the Central Waterfront all declined during the last several decades. The data on trends in population, land use, and employment documents the magnitude of the decline. Projections for these indicators show a further decline, although the bright spots now appearing in the economy may suggest a more favorable future is attainable for the area.

The residential population of the Central Waterfront, which totaled 531 in 1970, increased slightly to 614 in 1980 and to 756 in 1990. The area is benefitting from private rehabilitation and the condition of the existing units appears to be improving.

The entire Central Waterfront area encompasses 903 acres. Of this total, Mission Bay covers 315 acres. The 130 acres in Showplace Square is used primarily for apparel and interior design wholesale, storage and showroom facilities. Data collected from a 1987 land use inventory indicates 482 acres in the Lower Potrero and waterfront areas of which 302 acres remain industrial, 18 acres are vacant, 58 acres in railroad easements under freeways and the remaining 108 acres are in a mix of uses.

With the proximity of the Central Waterfront to downtown, the general trend toward intensification of land use has begun. Much of the new construction has continued in the form of low intensity uses such as trucking depots and warehouses. The development of showrooms for interior design products in formerly vacant warehouses in the Showplace Square area represents a healthy economic trend. This is being augmented by the establishment of commercial service uses to support the showroom activities.

From 1965 to 1970, when citywide employment increased by 12 percent, employment in the Central Waterfront dropped by 22 percent from 16,304 to 12,557 jobs. Major declines were registered in

manufacturing and wholesale trade with transportation showing. a smaller decline. Minor employment gains occurred in construction and commercial activities. The area has suffered additional employment losses since 1970 with the closing and relocating of firms in the metals products and ship repair industries. 1980 census data shows 11,004 persons employed in the Central Waterfront area. Of these, a significant portion (3,512) were employed in manufacturing jobs. This overall decline in jobs continued through 1985. (~~Currently~~ In the mid-1990's about ~~600~~ 650 people are employed ~~on the piers~~ in water-dependent industries in this area. ~~One facility accounts for about 70% of this total.~~

Two exceptions to the decline in manufacturing employment are the apparel industry and the wholesale interior design industry. Numerous firms in each field have recently located in the area. Increases in construction employment are due to the area's use for the storage of construction supplies. Though new trucking, warehousing, and wholesale trade facilities have been constructed, potential net employment gains have been offset by closures and relocations of older firms and other losses of employment due to technological change and declining citywide demand.

Cargo trade through the Port of San Francisco has increased slowly since the mid-1960's, in part due to overall increases in Pacific Rim trade. However, cargo shipping during the first half of the 1990's declined significantly as a result of major industry changes which have placed San Francisco at a competitive disadvantage compared to the Port of Oakland and other west coast ports. Tthe Central Waterfront has felt the effects of the decline in San Francisco's share of regional Port activity. While some ~~most~~ piers still ~~do~~ support ~~some maritime~~ cargo activity, it is at a level far below their cargo-handling capacities; in addition, the Port has other facilities in the Central Waterfront which are not used for cargo shipping due to insufficient demand.

The decrease in the Port's general cargo trade can be attributed to technological changes within the maritime industry, resulting in a shift in the transport of cargo from breakbulk (freight shipped in separate pieces) to containers (freight packed in standardized boxes). Containerization ~~has~~ created the demand for the construction of new facilities at ports throughout the world. In the 1970's, the Port developed the North and South Container Terminals at Piers 80 and 94-96 , with intermodal freight rail access. By that time ~~Whereas the Port of San Francisco did not convert to containerization until recently,~~ the Port of Oakland, with federal assistance, had already developed the first intermodal container terminals in the region and has since established itself as the predominant container port in the Bay Area and the fifth largest container port in ~~one of~~ the United States. ~~world 's largest container ports and subsequently, drew shipping lines from San Francisco.'~~

The 1990's have been marked by fierce competition among container carriers resulting in major structural changes designed to maintain profits by cutting transport time and costs and maximizing efficient operations. Intermodal (ship-to-rail) container ports strive to provide the quickest possible transfer of cargo and competitive rail transport rates to attract business. Unfortunately, a number of factors place San Francisco at a competitive disadvantage with the Port of Oakland. First, although

the Port of San Francisco is a mere 30 minutes from Oakland by truck, it takes longer to connect to the main rail line as compared to Oakland. In short, it is generally faster, and therefore cheaper, for many shippers to pick up and deliver cargo in Oakland than in San Francisco. Second, shipping companies have expressed a strong desire to locate where two or more railroads provide connections to the Midwest and eastern markets, to take advantage of competitively priced service; San Francisco is served by only one railroad, while Oakland is served by two. Third, most cargo exports are generated from the east side of the Bay, and are exported from Oakland cargo terminals.

Another industry trend which continues to have dramatic implications for west coast container ports is the formation of global alliances between carriers. These alliances or consortia maximize the amount of cargo carried on each ship by utilizing otherwise empty space on container ships owned by consortia members. This new business practice, plus the use of higher capacity container ships, give consortia much greater clout than their individual members had to negotiate favorable agreements with ports because of the vastly increased business opportunities they offer. As a result, competition between west coast ports has intensified. In order to attract new business, larger ports are funding massive capital improvement programs. For example, the Ports of Los Angeles and Long Beach are each spending over $1 billion on intermodal improvements. The Port of Oakland, with its more expansive container terminal facilities (approximately 680 acres vs. San Francisco's 145 acres), superior rail connections and larger capital improvement program, is ~~far~~ better positioned than San Francisco to compete with Southern California ports for this new business. Although the Port's Waterfront Land Use Plan identifies 97 acres for maritime expansion, expansion in San Francisco will be further stymied when Oakland receives over 400 acres from the federal government upon closing of the Oakland Navy Supply Center. Even with these expansion opportunities, the Bay Area as a whole will continue to face competition from the other west coast ports which enjoy faster intermodal connections to important local and midwest markets. In addition, the Port of Seattle receives public subsidies which have reduced costs at those ports, leading to a decline in market share of Bay Area ports.

These developments make the prospects for future container terminal expansion at the Port of San Francisco uncertain. Even before these industry changes, the Port's existing container terminals never operated at full capacity. Today they operate at only a fraction of their capacity. However, San Francisco's relatively deep water berths, cargo warehouses and open storage areas at the Port's container terminals may also be attractive to non-intermodal carriers. Eager to maintain its historic role in maritime trade, the Port therefore has developed a new strategy for its cargo shipping industry and is looking for new ways to market its cargo facilities. For example, the Port is aggressively pursuing specialized cargoes, including breakbulk and "project" cargo, and container carriers which do not rely heavily on intermodal transport and which can best utilize San Francisco's unique facilities.

The Port also may be well positioned to take advantage of a developing trend among large cargo carriers to own or control their own marine terminals, rather than sharing a terminal with other

carriers. San Francisco is the only Bay Area port with the capacity in the next five years to offer long-term preferential assignments of container facilities. In addition, other technological advances could lead to more efficient use of terminal space, allowing smaller ports like San Francisco to attract high volume carriers.

~~Modern port facilities require substantial back-up land for equipment operation, storage, and intermodal cargo transfers. The bulk cargo and related maritime activities north of Sixteenth Street are served by limited backup land. Investment in new capital facilities by the Port of San Francisco has occurred in the area south of China Basin where adequate back-up land is available. This southerly shift in the Port's maritime operations is reflected in the cargo tonnage statistics: In 1969, the Port's cargo tonnage was equally distributed between the piers north and south of China Basin; by 1987, over 80% of the cargo was handled in the southern portion.~~

~~Present and future trends point to the strong potential for revitalizing San Francisco's maritime economy. Cargo projections for the upcoming decades show increasing maritime traffic for Bay ports. Congestion at other West Coast ports combined with the availability of facilities in San Francisco should give the Port an opportunity to attract an increase in shipping activity. The expansion of trade with the Pacific Rim countries should also have a long-term positive impact on the Port of San Francisco.~~

Favorable economic trends are beginning to appear in the Central Waterfront. The previously identified healthy components of the local economy, apparel manufacturing and interior design activities, are now undergoing expansion and future growth is anticipated. The prospect of 8,270 new housing units and over six million square feet of employment in Mission Bay signal the healthy redevelopment of that portion nearest downtown. Changing conditions in the overall San Francisco economy could also bode well for the Central Waterfront. In the 1980's the boom in downtown highrise construction ~~is~~ was causing some displacement of professional firms which ~~are~~ were relocating in the South of Market area and ~~are~~ were forcing upward pressure on rents. The displaced firms ~~are~~ were often able to outbid existing industrial and downtown support activities for space. Many South of Market firms ~~are~~ were seeking suitable sites for operation elsewhere within San Francisco. The Central Waterfront is one of the few areas in the City that can accommodate industrial uses. This trend, if revived, combined with expected increase in transportation costs from the suburbs, could make the Central Waterfront a desirable location for certain industries. The growing desire for shorter commutes will also encourage the development of more housing near central workplaces.

Although statistical projections show a continuation of the declines in historic area land uses, the local economy is expected to grow as the mixed use Mission Bay development is implemented and as the specialized apparel and interior design industries continue to thrive. Maritime trade could increase, but only if the Port of San Francisco continues to ~~is~~ aggressively ~~in developing and~~ market~~ing~~ its modern cargo-handling facilities for niche cargos which do not rely heavily on rail

access. The Central Waterfront's general attractiveness for economic activities could also be boosted by the competition for a limited supply of industrial land in San Francisco.

(Amended by Resolution 12040, 9/27/1990)

OBJECTIVES AND POLICIES
PART I
SHOWPLACE SQUARE, CENTRAL BASIN, NORTH POTRERO, ISLAIS CREEK AND LOWER POTRERO SUBAREAS

Overall Goal

The overall goal of this Plan is to create a physical and economic environment conducive to the retention and expansion of San Francisco's industrial and maritime activities. This goal is set forth in order to reverse the pattern of economic decline in the area and to establish a land base for the industrial and maritime components of the San Francisco economy. The following objectives and policies are designed to:

1. Increase employment opportunities for San Francisco's unemployed and underemployed residents;

2. Enhance the working environment to stimulate business growth; and

3. Improve the area's appearance and attractiveness.

(Amended by Resolution 12040, 9/27/1990)

LAND USE

OBJECTIVE 1 STRENGTHEN AND EXPAND LAND USES ESSENTIAL TO REALIZING THE ECONOMIC POTENTIAL OF THE SUBAREAS.

POLICY 1 Encourage the intensification and expansion of industrial and maritime uses.

POLICY 2 Preserve and protect the subareas as a land base for San Francisco industry. Prevent the conversion of land needed for industrial or maritime activity to non-industrial uses. Permit only those non-industrial uses which do not interfere with industrial and maritime operations.

(Amended by Resolution 12040, 9/27/1990)

POLICY 3 **Promote new development which has minimal adverse environmental consequences. Assure that the adverse environmental impacts of new development are ~~fully~~ mitigated to the maximum feasible extent.**

OBJECTIVE 2 **MAINTAIN AND DEVELOP ADDITIONAL USES ON LAND DETERMINED TO BE SURPLUS TO INDUSTRIAL AND MARITIME NEEDS.**

POLICY I **Preserve existing residential uses and develop limited new housing.**

POLICY 2 **Retain existing commercial uses and expand as needed to serve increases in the working and residential populations.**

POLICY 3 **Improve, expand, and develop recreational areas at established public access points along the waterfront enabling public use and enjoyment of the shoreline.**

MARITIME

OBJECTIVE 4 RETAIN AND EXPAND MARITIME USES ALONG THE CENTRAL WATERFRONT.

(Amended by Resolution 12040, 9/27/1990)

POLICY I **Retain and improve and, if warranted, expand all existing maritime general cargo facilities along the Central Waterfront (Piers 48, 50, 70, and 80).**

POLICY 2 **Retain all existing ship repair operations along the Central Waterfront (~~Pier 54 and the former Bethlehem Yard~~)**

POLICY 3 **Encourage the expansion and modernization of maritime cargo handling facilities, and the ~~development~~ location of container facilities ~~along the Central Waterfront~~ south of Mariposa Street.**

POLICY 4 **Reserve land adjacent to the waterfront as required for maritime support use.**

TRANSPORTATION

OBJECTIVE 7 IMPROVE THE TRANSPORTATION ACCESSIBILITY OF THE SUBAREAS.

(Amended by Resolution 12040, 9/27/1990)

POLICY 1 Improve citywide and regional transit access to the subareas.

POLICY 2 Provide adequate rail and truck access to all maritime piers.

POLICY 3 Establish an official truck route system along the designated major and secondary thoroughfares to facilitate truck movements within, and to, Port facilities and other businesses and to minimize the adverse impacts of truck movement on adjacent residential, commercial, and recreational land uses.

POLICY 4 Extend a Light-Rail Vehicle line through the Central Waterfront along the Third Street corridor connecting to ~~the Southern Pacific~~ CalTrain and the ~~proposed Embarcadero rail line~~ MUNI Metro extension light rail service which provides access to downtown San Francisco.

POLICY 5 Improve transportation access on Third Street by implementing design changes in traffic lanes, turning bays, and signal timing.

(Note: POLICY 6 was deleted by Resolution 13907 adopted 7/6/1995.)

RECREATION AND OPEN SPACE

OBJECTIVE 9 PROVIDE PUBLIC ACCESS AND RECREATIONAL OPPORTUNITIES ALONG THE SHORELINE.

POLICY 1 **Maintain and improve the quality of existing shoreline recreational areas at China Basin Channel, Agua Vista Park, Warm Water Cove and Islais Creek.**

POLICY 2 **Expand existing recreational areas ~~and establish a new one at Islais Creek Channel~~, so long as compatible with present or planned maritime activity.**

POLICY 3 **Provide public overlooks, viewing areas, and open spaces with convenient pedestrian access in areas of maritime activity, where feasible and where it will not inhibit the maritime operations.**

CENTRAL BASIN SUBAREA

OBJECTIVE 15 MAINTAIN AND EXPAND MARITIME ACTIVITY IN THE CENTRAL BASIN SUBAREA.

(Amended by Resolution 12040, 9/27/1990)

POLICY 1 **Continue and expand the use of Piers 48 and 50 for general cargo. Maintain a six acre area inland and adjacent to the piers to provide a cargo backland support area to support maritime uses of these piers.**

POLICY 2 **Encourage the retention and ~~promote the expansion~~ improvement of ship maintenance and repair activities at ~~the former Bethlehem at~~ Pier 68 ~~site~~ which support and strengthen San Francisco's maritime industry.**

POLICY 3 **Preserve and rehabilitate the three Union Iron Works Buildings (located in part of the former Bethlehem Steel area) on the north side of 20th Street, east of Illinois Street which, as historic and architectural resources, represent the importance of the ship building industry in San Francisco's development. In order to make adaptive reuse feasible, permit revenue-generating commercial and industrial uses which are compatible with ongoing ship repair and potential future maritime and industrial operations on adjacent and bayward Port property, as indicated in the Port of San Francisco's Waterfront Land Use Plan. Design such adaptive reuse projects consistent with the Waterfront Design & Access urban design and preservation policies and criteria for this area, contained in the Waterfront Land Use Plan.**

OBJECTIVE 16 RETAIN AND EXPAND INDUSTRIAL USES.

(Amended by Resolution 12040, 9/27/1990)

POLICY I **Encourage more intensive use of existing industrial land and facilities in locations or for durations which will not foreclose or inhibit development of future container facilities.**

POLICY 2 **Assure that any power plant expansion on the Pacific Gas and Electric Company site will provide additional employment and will not adversely affect the environment.**

OBJECTIVE 17 IMPROVE AND EXPAND WATERFRONT RECREATION.

(Amended by Resolution 12040, 9/27/1990)

POLICY I **Maintain and improve existing recreational improvements at Warm Water Cove and expand to ~~adjacent waterfront properties~~ the north side of the Cove as opportunities arise. Develop a waterfront picnic area and fishing pier at Twenty-Fourth Street. Provide public access along the north side of the Cove and construct a fishing quay at the Bay. ~~Shield the recreation area from surrounding industrial uses~~ Improve enjoyment of the area by providing attractive landscaping and maximizing bay views. (See also Recreation and Open Space Element, 1.3.38)**

POLICY 2 **Improve and expand the existing Agua Vista Park by developing a public beach and waterfront park and a small boat marina, so long as compatible with existing and planned maritime and private ship repair activities. (See also Recreation and Open Space Element, 1.3.38)**

POLICY 3 **Retain and improve the ~~Continue the use of~~ existing public boat ramp ~~south of Pier 50~~ adjacent to Pier 52. If future Port development necessitates, replace it with an equivalent elsewhere on the eastern shoreline.**

OBJECTIVE 18 **RELATE THE SCALE OF NEW DEVELOPMENT TO SAN FRANCISCO'S DISTINCTIVE HILL FORM, TO THE ADJACENT WATERFRONT, AND TO EXISTING DEVELOPMENT.**

POLICY I **Minimize blockage of private and public views and maintain, to the extent feasible, sight lines from Potrero Hill to the waterfront and downtown.**

(Amended by Resolution 12040, 9/27/1990)

ISLAIS CREEK AREA

OBJECTIVE 19 **EXPAND MARITIME ACTIVITY AND ANCILLARY SERVICES.**

(Amended by Resolution 12040, 9/27/1990)

POLICY I **Maintain ~~Continue to modernize~~ Pier 80 as a container terminal facility and allow other types of cargo shipping or interim uses of this facility when it is not fully utilized for container cargo operations. ~~Expand the North container terminal by acquiring the Western Pacific Railroad yard and associated parcels for maritime development~~ Allow compatible maritime, industrial or commercial uses on the adjacent former Western Pacific rail**

yard, once this site has been acquired by the Port.

POLICY 2 Continue ~~the~~ maritime and industrial use of Pier 84 and adjacent land.

OBJECTIVE 20 DEVELOP WATERFRONT RECREATIONAL USES ALONG THE SHORELINE OF ~~ON~~ ISLAIS CREEK CHANNEL.

POLICY 1 Develop the Islais Creek Turning Basin west of the Third Street Bridge for recreational use, which could include ~~and~~ a small craft dock or launching facility ~~marina~~, if and when it is no longer needed for Port maritime activity.

OBJECTIVE 21 RETAIN AND EXPAND INDUSTRIAL USES IN THE ISLAIS CREEK AREA.

(Amended by Resolution 12040, 9/27/1990)

[NOTE: The area addressed by Policy 1 below has been included in the adopted South Bayshore Area Plan, and thus is proposed for deletion]

~~**POLICY 1 Encourage industrial uses in the area west of Pier 80 south to Islais Creek Channel.**~~

COMMERCE AND INDUSTRY ELEMENT

(Note: These amendments are proposed to make the Port's Waterfront Land Use Plan consistent with the San Francisco General Plan. This document contain only excerpts from the Commerce and Industry Element which are affected by the proposed amendments, and thus the page numbers are not always in sequence. Proposed additions are double-underlined, proposed deletions are shown with strikeouts. In addition, Map 3 showing "Areas Under Study" is outdated and should be removed from the Table of Contents and from Page I.2.7)

The Commerce and Industry Element was thoroughly revised in 1978 and adopted by Resolution 8001. The 1988 publication was amended by Resolution 12040 on 9-27-1990. Throughout the text, amendments to the 1988 printed version are noted below the amended text.

POLICY 3 Locate commercial and industrial activities according to a generalized commercial and industrial land use plan.

The following principles are integral and basic elements of citywide land use planning policy for commerce and industry.

1. The natural division of the city into two distinct functional areas-one primarily for production, distribution and services, and the other for residential purposes and the community facilities which are closely related to residential activities-should be recognized and encouraged.

2. A working population holding capacity should be established for the city based on desirable and feasible density standards.

3. The working areas of the city should be defined and designated in extent so as to increase the efficiency of each of the areas as a specialized center of management, production, service or distribution.

4. The working areas of the city should be related to the trafficways and transit systems so as to minimize time and distance in the journey to work from each of the community areas of the city and from within the San Francisco Bay Region.

Except in a few isolated instances the entire range of commercial and industrial activities of citywide importance is and should continue to be confined to the eastern flank of the city between the Bay and the first tier of hills rising west of the Bay. The types of use for which land should be allocated in the working areas are classified into four categories: 1) Downtown, 2) Business and Services, 3) Light Industry, and 4) General Industry.

The Downtown District contains the downtown shopping, entertainment and financial sections of the city as well as some of the downtown hotel quarters. Adjacent to this district is the primary area devoted to and designated for Business Services. These are businesses and uses which supplement and are necessary to the total economy of the downtown area. The other designated uses are those light and general industries which ~~adjoin~~ occupy part of the harbor and the flat land along the Bay shore of the city, primarily south of China Basin. The Plan indicates a transitional belt of light industry, between the general industrial section and residential sections in adjacent community areas.

MARITIME

OBJECTIVE 5 REALIZE SAN FRANCISCO'S FULL MARITIME POTENTIAL.

San Francisco began and has developed as a maritime City. Historically, the city offered great natural advantages as a port. Maritime activity ~~has~~ stimulated the development of San Francisco as a commercial center of the West Coast and ~~has~~ contributed as much to the special flavor of San Francisco.

The city has been a gateway to the West and the world beyond. The advents of rail, highway travel, air transportation and telecommunications have, however, increasingly lessened San Francisco's dependence on water-related activity.

Other Bay ports have matured and San Francisco has lost its preeminence as a port city, and much of its waterfront is under-utilized. However, the role of maritime activity in San Francisco's economy remains significant in terms of the jobs it offers to skilled and semi-skilled workers. In addition, most maritime activity offers the additional benefit of being a relatively "clean" industrial activity; many of its potential adverse consequences, such as congestion and noise, can be overcome.

The prospects for strength and considerable growth in world and Bay Area maritime activity are optimistic. ~~Rail rates and shipping times to the East, for example, are the same for all Bay Area ports.~~ However, San Francisco is at a competitive disadvantage compared to the Port of Oakland and other west coast container ports. ~~has not capitalized on this growth potential.~~ Dramatic changes in the cargo industry have led to the formation of alliances among carriers to cut transport time and costs, and increase operational efficiencies through shared use of facilities and cargo space. These industry trends favor those ports with vast terminal and backland space, access to large metropolitan markets and multiple rail lines, and which are in close proximity to shippers. In addition, intermodal container ports require massive capital improvement programs to provide facilities to accommodate larger ships and expanding cargo volumes, which far surpass the resources available to the Port of San Francisco. ~~A lack of adequate financial and management resources, utilization of developing technologies, necessary land for development and the financial burden of maintaining existing facilities have contributed to this situation.~~ As a result of these industry developments, several shipping lines have eliminated calls to San Francisco, opting to use the more expansive facilities at the Port of Oakland, or terminating service to the Bay Area altogether.

The Port's existing terminals and cargo warehouses, while greatly underutilized in 1996, are attractive to breakbulk and other non-intermodal cargo carriers. The Port therefore is aggressively pursing niche cargo businesses which do not rely heavily on freight rail transport or require major new capital improvements.

POLICY 1 Develop and implement a comprehensive long-range maritime development program for the port.

Cargo traffic through the Bay Area is expected to continue to grow at least through the year ~~2000~~ 2020. Ports which can offer the fastest movement of goods at the least cost will capture increasingly greater shares of this growth. In the past ~~recent years~~ port development and expansion has been achieved by the aggressive and foresighted utilization of new technologies and techniques such as containerization, lighter aboard ship, roll on -roll off, mini- and maxi-bridge and automated dry-bulk feeders.

The Port should develop and carry out, and periodically update a comprehensive long-range maritime development program which assesses future cargo market demand, developing technologies which might be employed in San Francisco to meet the demand, taking into account geographic constraints and other factors affecting future intermodal cargo business opportunities, and land and capital investment which will be necessary to permit San Francisco to capture a reasonable share of the market.

POLICY 2 Focus investment on those port features in which San Francisco has a natural advantage. Create competitive advantages by providing more cost efficient freight handling facilities.

It is particularly important to focus limited resources on those areas in which San Francisco has a competitive advantage rather than to provide facilities to compete with other Bay ports for the same market. For example, San Francisco has had one of the greatest potentials for deep-water port development on the West Coast. ~~It also retains its attractiveness as a break bulk port. On the other hand, it has only a limited ability to compete for the container market: unstable land fill conditions make the cost of preparing suitable back-up space extremely high.~~ However, due to its geographic constraint of being located at the end of a peninsula with limited freight rail access, the Port of San Francisco is unable to compete with the Port of Oakland and other west coast ports as an intermodal (ship-to-rail) container terminal operator. Furthermore, as ships become larger (and their hulls deeper) San Francisco's relatively deep water has become less of an advantage because dredging will be required more often, even in the deepest parts of the Port.

It may be possible in the future to create competitive advantages by anticipating future shipping needs and technologies which do not rely heavily on freight rail

service, and by identifying niche cargo business opportunities which can capitalize on the Port's existing terminal, cargo warehouse and open storage yard facilities. Investments will necessarily be selective because funds will be limited. Investment strategy therefore should include an assessment of natural advantages and of the potential for increasing competitive advantages by use of advanced technologies.

POLICY 3 **Aggressively market existing maritime facilities**

Facilities such as the ~~Grain Terminal, the Free Trade Zone and Pier 80~~ Port's breakbulk and other bulk cargo facilities, cargo warehouses and the North and South Container Terminals at Pier 80 and 94-96 are presently underutilized. ~~New container facilities are not being used to their maximum potential.~~

~~While the long term growth and competitive advantage of the Port may be realized through initiation of new capital investments,~~ In light of the fact that the Port does not have the financial resources necessary to compete with larger intermodal container ports, it is ~~also~~ important to maximize the return on existing maritime facilities. This will require continuation of aggressive promotional and marketing ~~techniques~~ efforts especially in non-rail dependent cargoes such as breakbulk, and construction project cargoes. In addition, interim term leases for non-shipping operations should be sought until demand increases for shipping-related activities, enabling these existing facilities to be returned to maritime use.

POLICY 4 **Avoid actions which may serve to displace desired existing maritime uses.**

Historically, industrial maritime activity in San Francisco was principally located along the Northern Waterfront. Expansion of office and residential uses, ~~within the Embarcadero Center, and the development of residential uses in the Golden Gateway Project~~ and the pedestrian, public transit and roadway improvements newly constructed along The Embarcadero have resulted in increased pressure on cargo-related maritime uses in the Northern Waterfront area. This expansion should not be permitted to encroach on ~~designated~~ maritime areas designated in the Northeastern Waterfront Plan of the General ~~Master~~ Plan as long as maritime use remains feasible.

Available waterfront land is a limited resource and maritime activity remains vital to the City's economy. It should therefore have priority use of waterfront lands that it may realistically need to survive. Specifically, piers in active maritime use should remain so unless it can be clearly established that the maritime use can be relocated elsewhere or will no longer continue operation on the waterfront and the area put to a more desirable use.

POLICY 5 **Assure adequate funding for capital investments as well as operational expenses of the port.**

Many ~~All~~ major ports are subsidized in some form. Some receive tax overrides or have independent taxing authority. Others receive oil royalties or airport revenues. The Port of San Francisco does not benefit from outside revenue sources nor does it receive funding from the City. It has financed its operation and development since it came under local control by means of ~~its~~ revenues received from leases on its property, and through Port revenue bonds. ~~and a general obligation bond. However, there is increasing likelihood that~~ As the expense of repairing aging facilities and funding improvements for most maritime operations increases, the Port's costs will ~~soon~~ exceed its revenues unless the Port develops new revenue-generating uses on property which is surplus to maritime industry needs.

Both the capital investment necessary to ~~regain competitive advantage~~ improve the waterfront and the funds necessary for proper operation of existing facilities must be assured. Revenues from new development will enable the Port to underwrite the costs of maintaining, improving or expanding maritime facilities and public improvements (e.g. open space and public access), and meet its other Public Trust responsibilities. If sufficient revenues to meet Port needs are not forthcoming, some form of public subsidy should be provided. Although the City took over the Port from the State with the pledge that the Port would not go on the tax rolls, changed circumstances may necessitate and justify a modification of that commitment. Public funds spent to aid and enhance a port's operation can be an excellent investment by providing jobs and direct and indirect revenues.

POLICY 6 Foster the relation of cargo maritime activity to other segments of San Francisco economy.

Many of San Francisco's commercial activities such as financing, warehousing, and import-export activities grew historically as a result of their close relationship to maritime trade. That link between national and international trade and San Francisco's economic health has not diminished to this day, though other modes of transport and communications have supplemented shipping.

Those who ship or receive cargo benefit from a port in closer proximity to their home office or ultimate point of delivery where inspections, drayage or deliveries are easier. Many service industries and offices serving maritime trades throughout the Bay area are located in San Francisco by historical precedent and benefit by a proximity of their customers or clients. This is a source of competitive advantage vis-a-vis other Bay Area and western ports and should be exploited.

POLICY 7 Restore the fishing industry in San Francisco.

Generations of visitors have been charmed and many tables graced by the San Francisco fishing fleet. The many restaurants and close residential areas created a

significant market for their catch. Fishing has benefited San Francisco's economy as employer, retailer and as a part of the large and growing tourist industry.

In ~~recent~~ past years, ~~however,~~ the facilities for docking and fish processing ~~have~~ deteriorated and the fleet ~~has~~ diminished. Local unavailability of fish and the high cost of land and facilities in San Francisco ~~have~~ had serious effects on the industry. However, the completion in 1995 of seismic repairs to Pier 45 and construction of state-of-the-art fish handling facilities are a major improvement for the industry. In addition, the Port plans to replace most existing berths with a new Hyde Street Fishing Harbor adjacent to Pier 45. These improvements will support and expand c~~C~~ommercial fishing, fish processing and businesses which provide services to the fishing fleet ~~should be encouraged, and expanded, particularly~~ in Fisherman's Wharf ~~the area of the Hyde Street Pier and Pier 45~~.

POLICY 8 Encourage maritime activity which complements visitor activity and resident recreation.

San Francisco has long been a ~~romantic~~ desirable terminus for passenger ships. ~~These~~ Cruise activities have contributed to the positive image of the Port of San Francisco as well as brought visitors to the city. While the airplane has replaced the ship as the primary means of personal transoceanic travel, the declining passenger ship activity has been stabilized by the emergence of cruise ships. For these ships, San Francisco may be an embarkation point or a stop en route. Facilities for passenger ships have, however, deteriorated in recent years. Pier 35, the pier now used, is old and in need of modernization. ~~However,~~ Yet it affords a dramatic entrance or exit from San Francisco, is close to other visitor attractions, and is convenient to hotels and lend transportation. These passenger facilities should be maintained and improved. Alternatively, Piers 27-29 and 30-32 provide opportunities to develop a new modern cruise terminal.

Boating has become an increasingly popular recreational sport. Additional small boat marinas, small boat docks and berthing areas along the San Francisco, waterfront can provide attractive ~~low cost assets~~ waterside improvements which bring revenue to the city and should be provided at appropriate locations.

Other commercial and recreational maritime activities such as excursion boats, ferries, water taxies and berthing of historic ships also provide attractions unique to the waterfront. New, water-oriented commercial recreation developments along the waterfront should incorporate these types of water-dependent activities whenever possible.

[Note: Policy 9 will be revised with the adoption of an area plan for Hunter's Point.]

POLICY 9 Reestablish Hunter's Point Naval Shipyard as a major source of maritime employment and activity.

Until its closure in 1974, the Hunter's Point Naval Shipyard was a major source of maritime employment and activity, both military and civilian. At its peak, the shipyard was one of the largest industrial employers in the city. Efforts to revive use of its facilities should be encouraged. In addition to the important ship repair, ship building, docking and other industrial facilities which remain but are unused, the shipyard presents opportunities for additional industrial and maritime uses. Perhaps its most important asset is its proximity to natural deep water. There is the potential for the development of a deep water port designed to carry high capacity bulk cargoes. West Coast ports, such as Long Beach, Portland and Seattle, are investigating and pursuing their own potential for deep water port development. Vancouver has developed a deep water port. Hunter's Point appears to offer one of the best and least expensive opportunities for such a facility if some of the environmental problems it poses can be solved.

POLICY 10 Increase cooperation among bay ports.

San Francisco has suffered in the recent competition with Oakland and to lesser extent other Bay Area ports. They have been better able to marshal requisite capital, ~~and~~ land and rail services to take advantage of new technology. The Port of Oakland also has benefitted from quicker connections to eastern cargo destinations. ~~This process of shifting to new facilities occurs in every major world port, but in almost all situations the old and new facilities are controlled by the same agency or jurisdiction. To remain competitive, ports must be prepared to offer a range of services and hope that resources are sufficient to prepare for and take advantage of new technology.~~

National and international shippers view the Bay Area as a single destination ~~since times and rail links are the same~~ in competition with others along the west coast, primarily Los Angeles and Long Beach in Southern California, and Seattle, Washington. The economics of Bay Area communities are linked by workers and trade and could benefit by mutual cooperation. Bay Area ports should work to avoid unnecessary duplication of facilities and encourage each port to develop its own particular strengths. It may be that in the long run a single regional port agency will best serve everyone's interest.

POLICY 11 Pursue permitted non-maritime development on port properties.

The Port of San Francisco is the owner of more land along the waterfront than is ~~likely to be put into~~ needed for maritime use. Some of these properties, primarily, but not exclusively, the area from ~~North China Basin~~ South Beach to Fisherman's Wharf, are suitable and attractive for residential, commercial or recreational uses.

In the past, non-maritime development on port properties, particularly development on piers over the water, has been plagued by community disagreement and by conflicting plans for the various public entities that must approve non-maritime development. The ~~"Plan for the~~ Northeastern Waterfront Plan which is part of the City's General ~~Master~~ Plan, was originally developed in the 1970's with the participation of diverse interests in the waterfront and ~~it has been~~ endorsed by the Port Commission. ~~It also is consistent~~ This Plan, and the Central Waterfront Plan were revised in (date) in conjunction with the Port's adoption of the Waterfront Land Use Plan, also created through an extensive community planning process. The land use policies contained in these documents are consistent with each other and will be the basis for conforming amendments to the Bay Conservation and Development Commission's Bay Plan and San Francisco Special Area Plan. ~~for the San Francisco waterfront~~ Once the BCDC amendments are adopted, these plans ~~permit, in various~~ will contain consistent policies regarding ~~locations~~, non-maritime development which will not usurp or conflict with maritime development and which will provide substantial revenues to the Port and the City while at the same time contributing to the environmental quality of the area. These opportunities should be vigorously pursued by the Port or some other agency on behalf of the Port to provide needed revenues for Port operations, development of the Port's maritime facilities, and public access and other amenities along the shore.

VISITOR TRADE

OBJECTIVE 8 ENHANCE SAN FRANCISCO'S POSITION AS A NATIONAL CENTER FOR CONVENTIONS AND VISITOR TRADE.

Recognition of San Francisco as a center for tourism and visitor trade extends throughout California, the United States, and the world. The city serves as a major West Coast destination for travelers who come to enjoy sightseeing, to attend national conventions, or to complete business transactions.

Visitor trade constitutes an important economic base for San Francisco and is responsible for employing, directly and indirectly, more residents than any other economic sector. It generates substantial revenues in many related economic areas including transportation, general merchandising, eating and drinking places, food stores, other retail trade, motor vehicles and service stations, personal services, and entertainment and recreation. By far the largest expense for visitors is hotels or motels, followed by restaurants and retail sales.

Such spending is important, for it stems from sources outside the Bay Area, and thus provides a substantial input of new dollars to the local economy. The expenditure of these new dollars in the local economy has a powerful effect in generating additional spending by local merchants and, in turn, generates higher personal incomes for resident owners and employees of visitor trade facilities. Tourist demand also has the effect of expanding the availability and selection of local goods and services.

In addition to providing the city with added revenues, visitor trade provides significant employment opportunities to San Francisco residents in the service occupations. Many of these jobs can be filled by low and semi-skilled workers who may have limited employability in other employment sectors.

While the economic benefits of visitor trade are felt in the employment and earnings sectors of the economy, certain adverse impacts are also related to tourism. Among these are added density and congestion in some parts of the city; strains on parking, mass transit, and other important municipal services. The most obvious negative aspect of increased tourist activity is increased pedestrian and vehicle congestion at points of interest <u>where there is no additional capacity to accommodate demand</u>. This not only reduces local residents' ability to enjoy the event, but may ultimately limit the attractiveness to out-of-town visitors. If congestion spills over into the surrounding residential or commercial business areas, the mobility in and quality of these areas is impaired. Also, in certain commercial areas, efforts to cater to visitors' tastes

have altered the mix of goods and services offered to the extent that local demands are no longer met. In instances, the quality of merchandise and services has also declined. There are, therefore, a number of tourism related impacts that may negate the economic and employment benefits of tourism.

POLICY 1 **Guide the location of additional tourist related activities to minimize their adverse impacts on existing residential, commercial, and industrial activities.**

While growth in tourism provides San Francisco with economic and employment benefits, unchecked expansion of the tourist industry can have negative implications for the quality of the city's neighborhoods, and for certain sectors of the economy.

It is therefore important to weigh both the costs and benefits of each specific proposal to expand or promote visitor trade. Activities should be designed and controls should be provided to minimize adverse impacts on surrounding residential, commercial, and industrial activities. The various activities comprising the visitor trade industry naturally tend to locate in geographical proximity to one another just as in other sectors of the economy. This natural tendency should be encouraged for several reasons. San Francisco's attractiveness to the visitor is enhanced by its compact, urban form which allows the visitor to move easily from hotel accommodations and restaurants to convention facilities, sightseeing interest, business appointments, and entertainment. In addition, the geographical proximity of visitor attractions to one another lessens the need for automobile or transit trips, and provides the least additional strain on the city's public transportation system. Finally, the location of visitor related activities within established activity areas may reduce the potential for tourism's negatively associated impacts upon the quality of the city's residential neighborhoods.

Therefore, the city should encourage additional visitor oriented facilities to locate in those areas where visitor attractions and business and convention facilities are at the present time primarily concentrated.

POLICY 2 **Support locally initiated efforts to improve the visitor trade appeal of neighborhood commercial districts.**

Encouraging greater use of neighborhood commercial districts by visitors can be an effective way of providing economic stimulus to such areas and of spreading the benefits as well as impacts of tourism. Care must be taken, however, to avoid situations where the tourist appeal drives out neighborhood services and creates major problems for adjacent residential areas.

POLICY 3 **Assure that areas of particular visitor attraction are provided with adequate public services for both residents and visitors.**

Public services such as transit, and visitor information, benches and restrooms, as well as police, fire, and street cleaning, are especially important at areas of particular visitor attraction. Provision of high quality services is one direct method the city can employ to promote visitor trade in San Francisco. Where appropriate, additional public facilities designed to serve expanding visitor trade should be provided. The ~~anticipated~~ development of the ~~Exhibit Hall in Yerba Buena Center will~~ George Moscone Convention Center greatly increases the impact of visitors and conventioneers within the downtown area. Care should be taken to assure this increased activity ~~is~~ continues to be adequately accommodated with existing and planned public service systems.

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Proposed Amendments to the Recreation and Open Space Element, August 1997

(NOTE: These amendments are proposed to make the Port's Waterfront Land Use Plan consistent with the San Francisco General Plan. This document contains excerpts from the Recreation and Open Space Element which are affected by the proposed amendments, and thus the page numbers are not always in sequence. Proposed additions are double-underlined; deletions are shown with strikeouts.)

The Recreation and Open Space Element was thoroughly revised and adopted in 1987 by Resolution 11065 and subsequently frequently amended. Throughout the text, amendments to the 1988 printed version are noted below the amended text.

RECREATION AND OPEN SPACE ELEMENT

OBJECTIVE 2

POLICY 2 Preserve existing public open space.

San Francisco's public open space system is fairly extensive. It ranges from large parks to undeveloped street rights-of-way. Much of the system is park land and other public open space under the jurisdiction of the Recreation and Park Department. In addition to this land, a significant portion of the public open space in San Francisco is only informally part of the city's park and recreation system. This open space is held by a number of public agencies and is also either used for recreation or appreciated for its natural qualities, but is neither a public park ~~for~~ nor a playground. Open spaces in this second category include certain shoreline ~~land owned by~~ areas under the jurisdiction of the Port of San Francisco shown in Maps 4-9, certain reservoirs, grounds of public institutions, forts, land for slope and view protection, roadway landscaping, alleys, dedicated public walkways and undeveloped street rights-of-way. Open spaces such as these are a very important part of the city's open space system. They supplement playgrounds and parks and are a major visual asset.

Development sometimes threatens public open spaces regardless of whether or not it is a formal part of the City's park and open space system. While few public open spaces have been lost in their entirety to other uses, almost all public open space at one time or another has been viewed as a source of vacant land for new construction. The shortage of vacant sites and the intensity of development in San Francisco produce pressures on the city's public open space. These same factors generate considerable demand for open space and leave few opportunities to expand the open space system. Consequently, it is essential that the City preserve the existing and planned public open space which remains.

Despite general agreement on the need to preserve public open space, over the years developments may indeed be proposed on public land designated as open space in this plan. It is anticipated that the most persuasive arguments in favor of development will be based on the "public value" of the proposed development. The public value will differ among proposals, and a determination, of this value as compared with the value of open space will be difficult. In order to assist in this determination, four types of potential development proposals have been identified. If proposals for these types of development occur, the following policies should be applied:

Nonrecreational Uses

Proposals for nonrecreational uses in public parks and playgrounds may arise in the future. Some may be for public facilities such as parking garages, streets and buildings, and for private or semi-public facilities. Development of this kind in parks

accessible functions should be carefully explored. When additions are planned, careful planning should limit the size of the required enlargement.

Supporting Facilities

Many of the sites designated for open space in this plan are under the jurisdiction of public agencies other than the Recreation and Park Department and are intended primarily for public uses other than recreation. Here open space use is secondary to the prime use. Examples are: underdeveloped street rights-of-way, property on or adjacent to reservoirs and grounds of public institutions, and certain Port shoreline property shown in Maps 4-9.

In these cases it is anticipated that requests for supporting facilities of various types may arise. These proposed facilities may be necessary to perform the public function of the particular agency holding the land designated as open space. In order to provide a basis for a decision in these cases, the agency proposing the supporting facility should make public the following material:

- Information demonstrating that the facility proposed is necessary to provide the public service of the agency holding the site in question;

- Sufficient proof that alternative sites have been studied and that the proposed facility can be located only on the site in question;

- A study which assesses the effects of the proposed facility on the site in question and on the surrounding neighborhood.

Since the purpose of the policy is to preserve public open space, the city should not approve projects which are not demonstrated to be necessary by the information submitted, nor should it approve projects whose effects have not been thoroughly assessed. Approval should be based upon the information submitted and on conformity of the project with the Master Plan. Upon approval, the city may request the agency to meet certain design criteria and performance standards which insure such conformity.

Surplus Public Land

Occasionally public agencies find some land surplus to their needs. When public land becomes surplus to one public use, the Master Plan states that it should be reexamined to determine what other uses would best serve public needs. The Master Plan gives priority to direct public uses that meet either immediate or long-term public needs. One of these uses is open space.

In cases where the land that is declared surplus is designated as open space in this plan, the policy is clear: open space should take priority over other public uses. In cases where surplus land is not designated for open space, the site should be evaluated on a case by case basis for its usefulness for a number of public or public serving uses, including open space. Where necessary and desirable, jurisdiction of surplus land which meets open space criteria, such as land with high natural, recreational, or open space values, should be transferred to the Recreation and Park Department.

Natural Areas

Several open spaces within the City contain areas that are relatively undisturbed and remain in a nearly natural state. They include natural areas within Golden Gate Park, forested areas, grassy open fields and hilltops, and mud flats, beaches and sand dunes, as well as fresh water lakes. These areas support the more common indigenous flora and fauna and may provide habitat for rare or endangered species. These natural areas should be identified and protected from change that would alter the habitat, or promote growth of non-native species. Native plant habitats should be preserved and efforts undertaken to remove exotic plant species from these areas.

(Amended by Resolution 13149 on 8/15/1991)

POLICY 3 Preserve sunlight in public open spaces

Solar access to public open space should be protected. In San Francisco, presence of the sun's warming rays is essential to enjoying open space. This is because climatic factors, including ambient temperature, humidity, and wind, usually combine to create a comfortable climate only when direct sunlight is present. Therefore, the shadows created by new development nearby can critically diminish the utility of the open space.

This is particularly a problem in downtown districts and in neighborhoods immediately adjacent to the downtown core, where there is a limited amount of open space, where there is pressure for new development, and where zoning controls allow tall buildings. But the problem potentially exists wherever tall buildings near open space are permitted.

Properties under the jurisdiction of the Recreation and Park Department or designated for acquisition are now protected by a voter-approved Planning Code ~~Charter~~ amendment. It restricts the issuance of building permits authorizing construction of any structure exceeding forty feet ion height that would shade these properties from between one hour after sunrise to one hour before sunset, unless it is determined that the impact on the use of the space would be insignificant.

A number of other open spaces designated in this Element or elsewhere in the General Plan are under the jurisdiction of other public agencies, or are privately owned and therefore not protected by the Planning Code ~~Charter~~ amendments. These spaces should be given other forms of protection to assure they are not shaded during the hours of their most intensive use. Any new shading should be remedied to the extent feasible by expanding opportunities for public assembly and recreation in indoor and outdoor settings.

(Amended by Resolution 14400 adopted on 6/26/1997)

OBJECTIVE 2

POLICY 6 Make open spaces accessible to people with special needs.

The City should ensure that public open spaces are accessible to all San Franciscans, including persons with special recreation needs. These may include seniors, the very young, people with disabilities. In order to achieve this policy, park and recreation facilities should be planned and programmed for people with special recreation needs in mind.

Standards contained in the Americans with Disabilities Act (ADA) ~~Recognized design standards for the disabled~~ should be reviewed and employed for all construction in order to facilitate use and enjoyment by persons with disabilities. Design standards for the elderly, and for young children should also be employed to accommodate the specific needs of these user groups. In all new construction, facilities should be constructed consistent with the appropriate design standards. Similarly, as parks and facilities are renovated, these same design standards should be applied. Facilities which do not meet the standards should be identified and necessary modifications should be programmed as priority items, and implemented as funds become available.

Special recreation programs are also needed for groups and individuals whose particular recreation needs are not ordinarily met at existing facilities, or in existing programs. Some facilities and programs are now available. As new or extended programs are offered, additional professionally trained staff and facilities may be required. In addition, transportation programs may be required to bring individuals and groups with special needs to the facilities.

OBJECTIVE 2

POLICY 8 Develop a recreational trail system that links city parks and public open space, ridge lines and hilltops, the Bay and ocean, and neighborhoods, and ties into the regional hiking trail system.

A recreational trails system should be created on streets, public rights-of-way and park land, providing interesting pathways to link city parks and public open space with the neighborhoods. Three trails are currently envisioned. One trail would be part of the San Francisco Bay Trail. The second would link up with the Bay Area Ridge Trail. The third would be a Coastal Trail route along Ocean Beach. The trails should accommodate hikers and bicyclists. They should be designed to appeal to a wide range of users, including children, the elderly, and the disabled, to the maximum feasible extent.

In San Francisco and other highly urbanized areas, the primary trail users would most likely be hikers and bicyclists. The Ridge Trail, in addition, may be planned to accommodate equestrians, where feasible and desirable. In some instances, pedestrians, bicyclists and equestrians would have separate trail routes. The trails will be part of the regional trail system, linking up with the trails in San Mateo and Marin Counties.

Route Selection

The objective in route selection should be to select interesting routes along the Bay, Ocean, and linking the City's primary ridgeline and hilltop parks, in areas that provide information about the city's history, frame vistas of the City and Bay region, and permit the opportunity to view and visit interesting cultural, architectural and natural geographical features. In the future, a system of trails connecting the Ridge and Bay Trails should be created. It may also be necessary and desirable to make minor changes in trail alignments. The trail system should link city parks and public open space with interesting historic, natural, and man-made features that may attract and accommodate a variety of users.

Trails should be planned and designed to avoid impacting environmentally sensitive areas such as wetlands, and in a manner consistent with the policies of the land management agency through which the trail traverses.

The Bay Trail

The Bay trail should traverse the eastern edge of the City <u>including the Herb Caen Way/Embarcadero Promenade,</u> and should be oriented along the Bay from San Mateo County, to the Golden Gate Bridge. The Bay Trail alignment within San Francisco should link the following parks and public open spaces, as shown on Map 4.

- Candlestick Point State Recreation Area
- India Basin park (Planned)
- Pier 98
- Islais Creek
- Warm Water Cove
- Agua Vista Park
- Pier 52 Public Boat Launch
- Mission Bay Wetland & Park (Planned)
- South Beach ~~Marina~~ Harbor & Park (~~Planned~~ Partially completed)
- Brannan Street Wharf (Planned)

Rincon ~~Point~~ Park (Planned)
Justin Herman Plaza
Ferry Building Plaza (Planned)
Ferry Plaza (Ferry Service to Marin, East Bay)
Pier 7 Public Access and Fishing Pier
Northeast Wharf (Planned between Piers 15-29)
Pier 39
Pier 41
Fisherman's Wharf Triangle Plaza (Planned)
Aquatic Park and Fort Mason (GGNRA)
Marina Green and Crissy Field (GGNRA)
The Presidio (GGNRA)
Fort Point National Historic Site (GGNRA)

The Ridge Trail

The Ridge Trail should contain a number of alternate route alignments within San Francisco, following public rights-of-way and traveling through or adjacent to public parks and open space along ridge lines and connecting hilltop parks. The Ridge Trail should link the following parks:

- Alamo Square
- Alta Plaza Park
- Buena Vista Park
- Corona Heights Park
- Fort Funston (GGNRA)
- Glen Canyon Park
- John McLaren Park

Kimball Playground
Lake Merced
Pine Lake Park/Stern Grove
The Panhandle - Golden Gate Park
The Presidio (GGNRA)
Twin Peaks

(Amended by Resolution 13411 on 10/1/1992)

In addition to these trails, other recreational trails should be planned. In the Western part of the City, a Coastal Trail should be planned along Ocean Beach, to Lincoln Park and Baker Beach in the Presidio (GGNRA). Similarly, a system of trails connecting the Bay Trail and the Ridge Trail with different neighborhoods and parkland would create a variety of trail experiences, and increase recreational opportunities throughout the City.

Route Information

A map showing the trail routes and park system should be available for public distribution. In addition, trail markers or signs should also be installed along routes to identify the trail, provide directorial information, and designate segments of the trail for hikers, bicyclists, and/or equestrians.

(Amended by Resolution 13411 on 10/1/1992)

SHORELINE

OBJECTIVE 3 PROVIDE CONTINUOUS PUBLIC OPEN SPACE ALONG THE SHORELINE UNLESS PUBLIC ACCESS CLEARLY CONFLICTS WITH MARITIME USES OR OTHER USES REQUIRING A WATERFRONT LOCATION.

The Pacific Ocean, San Francisco Bay and their respective shorelines are the most important natural resources in San Francisco. Their open space potential is considerable. Together they offer unlimited opportunities for water oriented recreation. They are the pride of San Francisco's views and the source of the city's agreeable climate. Furthermore, most of the property adjacent to the thirty-two mile shoreline is in public ownership. This offers an unparalleled opportunity to provide a variety of open space experiences.

The western and northwestern shoreline should function as a long unbroken stretch of open space; its natural qualities should be preserved and should complement the more urban character of new open spaces along the Bay.

On the northeastern and eastern shoreline the objective is different. Here the challenge is to provide more open space along the Bay and public access to the shoreline while maintaining active maritime and other essential waterfront uses.

Significant progress has been made in opening the shoreline to the public. With the advent of the Golden Gate National Recreation Area the shoreline of the Presidio and Fort Mason have been made available to the public. Sutro Baths has been acquired and Ft. Funston and Lands End have been developed with trails making them more accessible. The creation of the Candlestick Point State Recreation Area in the southeastern corner of the City has added 171 acres and 3 ½ miles of public shoreline. The India Basin Shoreline Park to be provided on public and private property will add another 0.4 mile of shoreline access. In addition, the City will acquire the 500 acre Hunter's Point Shipyard from the U. S. Navy, for which a draft reuse plan prepared by the City reserves 104 acres for shoreline open space, including a wetlands area.

In the Central Waterfront, Warm Water Cove and Agua Vista Park have been made accessible developed by the Port as mitigation for maritime fill projects. The Port also is improving the public boat launch and creating a new public access area near Pier 52.

On Port property in the northeast waterfront, the removal of the Embarcadero

Freeway and construction of transportation and landscaping improvements, and ~~a~~ the 2.75 mile shoreline ~~pedestrian~~ Herb Caen Way/Embarcadero will link existing and future waterfront activities. Pier 7 has been ~~is to be~~ redeveloped as a public access and fishing pier. ~~In addition, a 2.74~~ A ((4.-8)) 2.5 acre shoreline park (3.25 acre including the existing promenade) is ~~proposed~~ planned at Rincon Point south of the Ferry Building ~~has been approved~~, and the first phase (four acres) of a 6.8 acre ~~public~~ South Beach Park ~~is being~~ has been developed at the base of Second Street adjacent to South Beach Harbor as part of the Rincon Point-South Beach Redevelopment project. ~~Redevelopment plans for including.~~ New plazas and open space amenities in the Pier 1 - Ferry Building - Agriculture Building area ~~along the waterfront are the subject of~~ will be developed based on public planning efforts ~~currently underway~~ for the Mid-Embarcadero/Ferry Building area, and the Port's Downtown Ferry Terminal Project ~~(however, it is not clear whether these plans will be carried out.)~~.

In addition, the Port proposes three major new open spaces in its Waterfront Land Use Plan. The Brannan Street Wharf would be a large open space involving the removal of two piers along The Embarcadero Promenade at the base of Brannan Street. The Northeast Wharf would be sited between Piers 15 and 29. The Fisherman's Wharf Triangle Plaza with accessory commercial development is planned to replace surface parking. Finally, the Port's Waterfront Land Use Plan promotes the creation of pedestrian walkways, (the "PortWalk"), to connect existing and proposed public access areas on piers with Herb Caen Way/The Embarcadero Promenade. ~~Planned development of Piers 1-½, 3, and 5 will include major public open spaces and public access.~~

Of the approximately 16 miles of shoreline on the eastern shoreline, ~~only~~ about ~~4.2~~ 4-1/2 miles are or will be publicly accessible, primarily on Port property along The Embarcadero between Aquatic Park and China Basin (including the new parks and open spaces located in between). Of the ~~11.8~~ 11-1/2 miles of shoreline which is not publicly accessible the U.S. Navy owns about three miles in Hunter's Point Shipyard which will be transferred to the City, private property owners own about 1-1/2 miles, and the Port owns the balance.

On the western and northwestern shoreline while a significant amount of public open space has already been retained, permanent preservation of a few prime open spaces has not been insured.

Despite this progress, ~~much remains to be done~~ there is room for further improvement as described in site-specific policies in the Western, Northwestern, Northeastern and Eastern Shoreline sections below.

(Amended by Resolution 14400 adopted on 6/26/1997)

POLICY 1 **Assure that new development adjacent to the shoreline capitalizes on its unique waterfront location, considers shoreline land use provisions, improves visual and physical access to the water, and conforms with urban design policies.**
In order to protect the shoreline and safeguard the public interest in it, the following policies should be applied to new shoreline developments.

Land Use
The Elements and Area Plans contained in the General Plan together define appropriate land uses for the City. Below is a general summary of these land use policies as they relate to shoreline areas. This general summary must be read in conjunction with the appropriate Elements and Area Plans to fully determine acceptable land uses on the shoreline.

Priority Land Uses. The most important uses of the shoreline should be those providing substantial long-term public benefits that cannot be provided on other sites within the city. Maritime shipping and freight handling facilities, ship repair; water-related public recreation, open space ~~and~~ including shoreline public access and water-dependent habitat areas; commercial fishing; and commercial and recreational maritime activities (e.g. ferries, excursion boats, water taxis, historic ship and visiting ship berthing, recreational boating) and maritime support services ~~water-related industries~~ are included in this category.

Restricted Land Uses. Office, residential, public assembly and recreational sports facility with associated commercial uses, water ~~related~~ oriented commercial recreation and public assembly uses such as restaurants, hotels and shops , museums, visitor centers, theaters and other activities such as ~~and~~ non-water-~~related~~ oriented community facilities and industrial uses are appropriate ~~only~~ in the areas designated in ~~this plan or other components of~~ the General Plan. These uses may provide limited public benefits and should be restricted to areas which are not needed for priority uses. Parking accessory to these uses should be in structures or otherwise screened from view. Recreation-oriented commercial services should be permitted where appropriate on land adjacent to open space areas.

Prohibited Land Uses. All developments which do not fall in the previous two categories are not acceptable shoreline land uses. More specifically, industry or commercial uses that are not dependent upon use of, or proximity to the water, or which do not further maritime, commerce, or public recreation or enjoyment of the waterfront, should not be permitted. Airports and at grade or elevated freeways should not be permitted. Uses such as these should be located away from the

shoreline. Parking, unless it is accessory to a permitted use, should not be allowed at or near the waters edge. Finally, all land uses which ~~will adversely affect~~ do not comply with applicable water quality environmental laws and regulations ~~water quality~~ should be prohibited.

Open Space

All new non-maritime developments, on property abutting the shoreline, should provide and maintain on their sites ground level open space, well situated for public access and designed for maximum physical and visual contact with the water. Maritime uses may substitute overlooks or open space on another part of the shoreline if public access is clearly inappropriate because of public safety considerations or significant use conflicts.

The size of the open space provided should directly relate to the size of the new development; the larger the development, the more open space it should provide. Along the water, a generous and well maintained shoreline strip should be reserved to provide public access and accommodate development of a continuous pedestrian and bicycle shoreline trail system, consistent with plans shown on Maps 5-8. Once fully implemented, the Bay and Coastal Trails will achieve this objective and ~~a well designed shoreline trail could~~ provide enjoyable visual, educational and recreational experiences for many users. In addition to providing space for pedestrian and bicycle movement, the ~~system~~ trails should also provide inviting seating areas and viewpoints of waterfront activities.

The types of open space provided in new developments will depend upon the nature of the sites; however, to the extent feasible they should meet the recreational needs of adjacent neighborhoods, especially those deficient in recreation facilities and open space, and add to the variety of recreational facilities along the entire shoreline.

Urban Design

- Maximize direct physical access to the water;
- Preserve and enhance the natural shoreline, where it exists;
- In windy areas incorporate design features which will make shoreline open spaces more pleasant and usable;
- Avoid shadowing areas of public use;
- Maintain visual access to the water from more distant inland areas by preserving

view corridors and lowering the profile of buildings; higher buildings should provide associated amenities such as publicly accessible overlooks.

(Amended by Resolution 14400 adopted on 6/26/1997)

- Restrict uncovered parking beyond the seawall (over water) that is visible from adjacent public areas;

- Screen development from view from the shoreline if it will detract from the natural setting of the shoreline;

- Provide ample natural landscaping;

- Meet the more specific design policies and principles in the Urban Design Element and Western, Northeastern, Central Waterfront, and South Bayshore Plans of the ((Master)) General Plan.

(Amended by Resolution 14400 adopted on 6/26/1997)

These policies governing land use, open space and urban design should be applied to new non-maritime developments within the Shoreline Zone designated in this plan. They should be applied to maritime uses only to the extent they are compatible with the nature and operation of the Maritime facilities.

The Shoreline Zone covers the city's entre shoreline but varies in the degree to which it extends inland depending on the quantity of existing open space and public recreation facilities in the area, the pattern of land ownership, and on the amount of new development anticipated. For the most part, development at the water's edge is of primary concern. There may be developments further inland, however, which affect physical and visual contact with the water or affect the use of the shoreline for open space. Shoreline policies on open space and urban design should be applied to these developments as well.

In locations where major new public open space areas designated in this Element or other parts of the General Plan are to be established, active and passive recreation should be the major use. Some limited commercial recreation uses may be integrated with the open space area, subject to the following conditions:

- The proposed use should be directly related to waterfront recreation activity and compatible with the primary function of the recreation area;

- Development should be designed to preserve view corridors and create open views to the water and provide usable open space accessible to the general public free of charge;

- Development should be in a concentrated area and strictly limited in coverage as further defined in this plan or other Elements of the General Plan to result in a small-scale, pedestrian-oriented facility that adds interest, variety, and amenity to recreational use of the shoreline;

- Land should be retained in public ownership.

POLICY 2 Maintain and improve the quality of existing shoreline open space.

Most of San Francisco's shoreline open spaces are located on the headlands and on the western and northern shorelines. For the most part they are now incorporated as part of the Golden Gate National Recreation Area, and administrated by the National Park Service which has made them much more accessible to the public. However, the National Park Service must be adequately funded to assure they are adequately maintained and policed.

Existing open spaces on the northeastern waterfront should be improved to promote increased public use. Simple public improvements such as effective signs, well marked trails, safety features, landscaping and general cleanup are needed to promote greater use of these and other shoreline areas.

The beaches and tidal flats in the Warm Water Cove, Agua Vista and Mission Rock areas have been dumping grounds for tires, auto parts, concrete slabs, and other debris that limits public use and enjoyment. In addition, severe winter storms have eroded sections of the shoreline. While periodic shoreline clean-up efforts and shoreline stabilization at Warm Water Cove have occurred, regular maintenance should be improved and should include repair and stabilization of any future erosion along these shoreline areas. ~~The accumulated debris in these areas should be removed, and the shorelines restored and stabilized. Once the shoreline areas are cleaned up and restored, consistent maintenance should be performed.~~

Several City agencies, as well as the State and Federal government, provide public open space along the shoreline. Additional coordination and cooperation between agencies could result in more consistent maintenance and result in increased public use and enjoyment. Plans for improvements and renovation should also be coordinated by the affected agencies.

POLICY 3 Create ~~a trail~~ the Bay and Coastal Trails around the perimeter of the City

which links open space along the shoreline and provides for maximum waterfront access. The Bay and Coastal Trails ~~A safe, continuous shoreline trail~~ should be developed linking all waterfront open spaces from Ft. Funston to Candlestick Park. The Coastal Trail is largely developed from Ft. Funston to the Presidio. The Bay Trail ~~The trails~~ should have continuous waterfront access unless the shoreline location clearly conflicts with active maritime use. At these locations, the trails should be routed inland around the maritime activity and then linked up with the shoreline.

The Bay and Coastal trails should be designed to provide amenity along the waterfront by installing trees and vegetation that can thrive in the marine environment. Sturdy paving and well designed street furniture should be installed in appropriate locations and design elements employed to provide scale, frame views of the ocean and Bay, and create a consistent and distinctive shoreline trails. Existing underused open spaces on the eastern and northeastern waterfront should be improved for public use and enjoyment as part of the shoreline trails development.

The trails should provide for pedestrian and bicycle movement. The trails should use consistent design elements, maintain visual continuity along the waterfront and create a variety of water-edge experiences. The trails should also encourage fishing and other active water-oriented recreational uses along appropriate areas of the shoreline. This may be achieved by installing and maintaining water taps, and basins to facilitate cutting bait and cleaning fish.

From Bay Street to China Basin, Herb Caen Way/The Embarcadero Promenade and bicycle route have been or will be created, which will implement a part of the Bay Trail for this part of the shoreline. In addition, ~~from China Basin to Aquatic Park, the pedestrian system should be supplemented with a recreation oriented shoreline transit system~~ two new transit systems (the F-Line and MUNI Metro Extension) ~~that will, facilitate public~~ when completed, will improve access along the waterfront from Fisherman's Wharf to China Basin.

Water Taxi Service

At some point in the development of the shoreline the potential to establish a water taxi service between shoreline parks, ~~and~~ recreational and commercial developments, residential neighborhoods and places of employment should be investigated. Such a service, when added to the City's ferry system, could provide a desirable transportation service as well as another recreational amenity.

POLICY 4 Create a visually and physically accessible urban waterfront along the Embarcadero corridor between Fisherman's Wharf and China Basin.

The Embarcadero Corridor ~~has the potential to~~ is becoming one of the world's great public waterfronts. With the removal of the Embarcadero Freeway and construction of new surface roadway, transit, landscaping and promenade improvements, the transformation of The Embarcadero is stimulating revitalization efforts along the waterfront. However, ~~two massive physical barriers stand between the City and water's edge. One consists of the~~ in certain locations waterfront views are blocked by bulkhead and connector buildings ~~which were~~ built in the nineteen-teens or later to accommodate ~~the~~ breakbulk cargo handling ~~methods~~ and other maritime uses ~~of the day but which now act as a wall between the City and the Bay~~. ~~The other consists of the double deck concrete freeway structure erected in the 1950's between Broadway on the north and Folsom on the south~~.

~~Many of the bulkhead structures are attractive and some of them should remain because of their visual and historic interest, others should be narrowed or removed to open up visual and physical access to the water.~~ Removal of ~~the~~ bulkhead buildings and piers, and installation of a pedestrian promenade between the Agriculture Building and Pier 24 has opened up views of the bay and the Bay Bridge and in a very real sense returned that part of the shoreline to the city. Selective removal of bulkhead buildings elsewhere along the Embarcadero corridor can have the same result. Those bulkhead structures that ~~do~~ remain can be visually opened ~~up~~ so they can be seen through and around and public access can be provided through, around and behind them.

The Port's Waterfront Land Use Plan in its Waterfront Design & Access policies and criteria identifies which bulkhead and connector buildings will be retained, and calls for creating views and access openings without significantly affecting historic resources.

~~The voters have rejected an opportunity to demolish the elevated freeway. As long as the structure remains, steps should be taken to make the structure less of an obstacle. The area under the structure between Mission and Washington is currently occupied by surface parking lots and a seldom used rail track. The parking should be eliminated or reduced and reorganized and the roadway and tracks should be realigned, with as much of the alignment under the freeway structure as is feasible. This would make it possible to enlarge Justin Herman Plaza, create a wider bay side promenade and provide more area for landscaping. More trees and vines should be planted to screen the concrete structure and sound barriers or baffles should be installed to reduce the noise from the traffic overhead. The portions of the two stub ends of the freeway structure which were installed in anticipation that the elevated freeway would be completed along the waterfront and are not being used, should be removed. The pedestrian promenade should be extended the full length of the~~

~~Embarcadero and the proposals for creation of open space areas and for open space improvements, as outlined for the northeastern shoreline in Policy 5 below should be undertaken.~~

POLICY 5 Provide new public open spaces along the shoreline.

The City cannot meet all its shoreline recreation potential simply by improving existing public open spaces and by applying the guidelines governing new development. Certainly, shoreline access in private developments and places to fish or view port operations will help realize the shoreline's recreation potential. But some new larger public open spaces are also needed.

Development of planned ~~Acquisition of new~~ shoreline open space on the northeastern and eastern edge of the City should continue to be given high priority, particularly south of China Basin, which ~~This~~ is the area most deficient in shoreline open space. It also has the most potential for meeting the recreation needs of neighborhoods in the eastern half of the City. The needs north of China Basin Channel will be met through the development of South Beach and Rincon Parks, new and expanded public open spaces in the Ferry Building and Mid-Embarcadero area adjacent to Downtown, and the Port's planned open spaces at the Brannan and Northeast Wharfs and Fisherman's Wharf. The Recreation and Park Department should continue to work closely with the Port of San Francisco and Redevelopment Agency to provide these new parks, and provide additional recreational opportunities and public access along the Bay Shoreline.

Active recreational uses should be promoted along portions of the waterfront. These could include, but not be limited to, water oriented uses such as shoreline fishing, swimming, and boating. New shoreline park land and public open space as identified in Maps 7 and 8 in this Element should be acquired and/or developed. In addition, ~~existing~~ some underused ~~open~~ or undeveloped space on the Bay Shoreline that is not now in maritime use, or planned for such use, should ~~be identified for~~ provide public access ~~improvements~~ when new shoreline developments occur.

Although the Bay shoreline should have priority for new public parks, a few parcels on the western shoreline should also be acquired or preserved for public open space.

More specific policies for open space development at specific locations along the shoreline appear below.

Western Shoreline*

Olympic Country Club

NORTHEASTERN SHORELINE*

*The **Northeastern Waterfront** Plan, which is part of the Master Plan, includes objectives and policies pertaining to open space for the area it covers (see Map 7). A summary of these provisions is included here. The **Northeastern Waterfront Plan** should be consulted for details.

(Note: Map 7 is proposed to be amended to identify the proposed public open space "circle" northeast of Telegraph Hill as the Northeast Wharf, and to add a "circle" for the proposed Brannan Street Wharf north of the South Beach Park and Small Boat Harbor.)

Alcatraz (GGNRA)
Maintain as public open space for recreational use. Preserve historic structures and gardens and provide interpretive exhibits describing the island's history. Remove non-historic structures and develop landscaped areas to increase public use and enjoyment. Protect bird and marine wildlife habitats.

Aquatic Park (GGNRA)-Hyde Street Pier
Repair and maintain municipal Pier. Encourage continued use of the basin for swimming. Maintain and enhance public access to the swim clubs. Expand public recreation opportunities, including passive and active water-oriented recreation. Add new seating, paving, and street furniture to landscaped areas, and use landscape features that enhance and emphasize the historic maritime character of the area. Provide space for an expanded collection of historic vessels at the Hyde Street pier in a manner that will not impact continued use of the basin for swimming.

Shoreline Access
Provide shoreline access (the Waterfront Land Use Plan's "PortWalk") primarily north of China Basin. Extend these new public access walkways and amenities extend onto piers, where feasible, as major new mixed use pier developments occur. Develop the PortWalk, together with public sidewalks and rights-of-way and pedestrian improvements under construction along Herb Caen Way/The Embarcadero, provide continuous pedestrian access through waterfront activity areas and, where feasible, to south of China Basin.

Fish Alley And Vicinity
Maintain the existing authentic character of Fish Alley and lagoon areas north of and parallel to Jefferson Street, which historically has supported the ~~a viable~~ commercial fish handling and distribution industry. Improve public access along the wharves, where compatible with concerns for public safety and fishing operations. Maintain and improve view corridors from public rights-of-way into fish handling areas, the

outer lagoon, open waters of the Bay, and back to the City. ~~Provide~~ Consider providing ~~a maritime oriented plaza and~~ widened sidewalks to accommodate heavy pedestrian use if they do not interfere with the fishing industry or other maritime activities.

~~If a fish hall is developed, construct a second level walkway on the western side of the rebuilt Hyde Street pier with overlooks at the end of the pier and into the fish hall.~~ Because of the fish handling activities along Hyde Street pier and Fish Alley, do not provide a pedestrian promenade along the shoreline between Hyde and Jones Street. Rather continue the promenade along the north side of Jefferson Street. Widen the sidewalks to accommodate the high volumes of pedestrian traffic, and deal with the problem created by the existing buildings which encroach on the sidewalk area.

Pier 45

~~Provide public access where consistent with the use of the pier for commercial fish handling, vessel support and/or mixed commercial and public assembly uses.~~ Seek to create a continuous pedestrian promenade ~~at or near the perimeter~~ on the east side of the pier with wind protection, providing outlooks to the Bay. Create an open plaza adjacent to Wharf J-3, if feasible, and if it does not interfere with fishing industry operations.

Fisherman's Wharf Plaza

Develop a public plaza with associated commercial development on ~~all or a significant portion of that part of the~~ Seawall lots 300 and 301 bounded by Jefferson, Taylor, and The Embarcadero (the 'Triangle' site, Assessor's Block 4), which would involve relocation of the existing surface parking. Work with the Fisherman's Wharf community in developing the design and operation of the open space, and construction management program for the new uses on this site. ~~which does not already contain structures,~~ Extend open space between the Triangle site and the water's edge on Pier 43 ½ if funding becomes available and long-term lease issues can be resolved.

Piers 9-35

Overlook areas between piers should be improved with attractive areas for sitting, fishing, and viewing maritime activates wherever they can be provided without interference with Port operations. Visual access to the water should not be restricted by trash containers or storage of non-cargo materials at overlook areas. If and when all or a portion of the area between these piers and the Embarcadero is released from cargo-related maritime use, ~~emphasize development of~~ develop a major open spaces between Piers 15 and 27, which may be in concert with other maritime uses (e.g. cruise terminal, excursion boats, historic ships), and commercial recreation, assembly

and entertainment activities identified in the Northeast Waterfront Plan and the Port's Waterfront Land Use Plan.

To the extent that it is compatible with continued active maritime use of the piers, allow portions of the existing wind protected pier apron between Pier 31 and 33 to be used for public access. Provide seating and maximize physical and visual access to the water in a manner that will not interfere with the existing and continued maritime use of the area.

~~Extend~~ Maintain the pedestrian promenade north from the Ferry Building along The Embarcadero to provide maximum access along the water's edge.

~~Improve~~ Maintain The Embarcadero between Northpoint Street and Broadway as an attractive landscaped roadway with bicycle lanes, and an exclusive transit right of way. ~~bicycle lanes, and a separate access roadway to the pier areas. Should the separate access roadway be determined to be unnecessary, develop the access area as a linear park similar to the park between Pier 35 and Pier 41.~~

Pier 7

~~Develop~~ Maintain Pier 7 as a public open space pier, which should be served by ~~Construct a new pier, with adequate seating, providing~~ restroom facilities in the pier's vicinity. Uses of the pier should include fishing, pedestrian circulation, ~~environmental education exhibits~~, and other appropriate uses.

Pier 1-1/2, 3, 5

In conjunction with redevelopment of Piers 1-1/2, 3, and 5, provide public access and views through or between bulkhead buildings and on piers, consistent with the Port's Waterfront Land Use Plan and its Design & Access policies and criteria. ~~create a plaza of approximately one half acre at the eastern end of the pier. Develop a small public plaza between Piers 3 and 5 with seating and landscape material. Provide public access along the perimeter of Pier 3 and around the bulkhead buildings.~~

~~**Ferry Plaza**~~

~~Improve the visual and physical connection between the city and the Bay. Reinforce recreational use of the Ferry Building area as terminus of Market Street and terminal for commuter and recreational ferry boats. Remove the elevated Embarcadero Freeway and existing surface parking, and realign the Embarcadero roadway, creating a plaza that creates a strong urban design setting for the Ferry Building as the terminus of Market Street.~~

Ferry Building Area (Between Pier 1 and the Agriculture Building)

Develop a grand plaza on the west side of the Ferry Building by realigning The Embarcadero roadway and removing surface parking. The Ferry Building Plaza should create a strong urban design setting for the Ferry Building as the terminus of Market Street.

Enhance visual and physical connections between the City and the Bay. Improve physical access to and along the waterfront by linking the open spaces in the Ferry Building area, ~~creating major linked landscaped open spaces at Pier 1, on the existing BART platform~~, including the Ferry Building Plaza, the Ferry Plaza (bayward of the Ferry Building), Herb Caen Way/The Embarcadero Promenade, and public access features to be created as part of new developments on Piers 1 and ½ and between the Ferry and Agriculture Buildings. Develop and improve these open spaces to promote recreational use and enjoyment of the waterfront. The spaces should be designed to accommodate high volumes of people using waterborne and landside transit services located at and near the Ferry Building. ~~and at the Agriculture Building~~. Provide a mixture of commercial and ~~non-commercial marine oriented~~ recreational maritime ~~opportunities~~ activities, such as ferries, excursion boats, historic ships and water taxis.

Rincon ~~Point~~ Park

Create a new ~~four to five~~ 2.74 acre public park at Rincon Point at the Base of Folsom Street abutting the seawall and 0.5 acre pedestrian promenade by rerouting the Embarcadero to Steuart Street between Howard and Harrison Streets. Orient the park to the Bay and provide large grassy open areas, hard surfaces; and a ~~mixture of facilities~~ restaurant to ~~meet the recreation preferences~~ of serve nearby residents~~, and~~ downtown office workers and visitors.

South Beach ~~Small Boat~~ Harbor and Park

Create a new six or seven acre public park at South Beach ~~and small boat marina~~ east of The Embarcadero, ~~Roadway~~ adjacent to South Beach Harbor and Herb Caen Way/The Embarcadero Promenade. Provide broad lawn areas and landscaped grounds. ~~Remove Piers 42, 44, 46a and portions of Pier 40, creating a sheltered small boat harbor that can accommodate 700 boats. Include a public boat launching ramp in the development if possible~~. The greatest portion of the park should be gently sloping, well landscaped lawn area designed to accommodate individuals and coordinated group activity, and permit a variety of recreational opportunities.

~~Redevelop~~ Maintain Pier 40 to provide facilities required to support ~~for the small boat~~ South Beach Harbor, which provides 700 berths and ~~provide~~ public access for viewing, fishing, and other activities along the pier. ~~Include provision for a bicycle~~

~~trail and pedestrian promenade linking open space along the waterfront, as well as the recreation oriented public transit line that is being considered for the waterfront.~~

EASTERN SHORELINE*

*The **Central Waterfront Plan,** which is part of the **Master Plan,** includes objectives and policies pertaining to open space. A summary of these provisions is included here. The **Central Waterfront Plan** should be consulted for details.

The eastern shoreline, shown in Map 8, is one part of the waterfront likely to experience significant change in the years ahead. It can provide the space for expanding working Port and maritime facilities, and for new and expanded public open spaces and public access along the water's edge. Redevelopment of the Eastern Shoreline should be balanced so that adequate space is planned for public open space as well as for expanded port and maritime use.

Mission Bay

A plan for Mission Bay area is being prepared. Provision for public access to the shoreline and adequate parks and public open space to meet the needs of residents, workers and visitors will be important considerations in the planning process. The following policies from the 1973 Recreation and Open Space Element apply to the area. They will be revised, as appropriate, as part of the planning of Mission Bay.

China Basin Channel

- Provide approximately nine acres of new recreation areas for the public along the channel shoreline. The recreation areas should be clearly marked and conveniently accessible to the public. Channel waterfront development should increase the opportunities for public access to the water's edge with a maximum interface of land and water.
- In the future the area south of the channel may be converted to a large, multiple-use development. Should this happen, the channel should play a major role in the new development and a new plan for the channel as a recreation assent should be undertaken. Shoreline designated for open space should be stabilized with bank reconstruction, running piers or quays. In the interim the channel area's special amenities should be preserved and priority given to incremental development that will be compatible with long-range objectives for the shoreline.

~~Mission Rock~~ Public Boat Ramp (near Pier 52)

- ~~Permit maximum recreational use of existing~~ Repair and improve the public boat ramp and allow ancillary boat launching facilities (e.g. hoist, dry boat storage).

~~in conjunction with Port activity~~. Stabilize the shoreline as required. Provide informational signing to encourage maximum recreational use of the existing area. ~~Retain the public boat ramp, and~~ Regrade and landscape the areas to promote increased public use and enjoyment. Permit ancillary commercial services (e.g. food sales, bait and supplies) to enhance use of the boat ramp. As opportunities arise, enlarge the area along the shoreline for public access. Provide adequate parking designed for vehicles and boat trailers inland of Terry Francois Boulevard.

- If development of port facilities require use of this site and alteration of the existing open space, replace the Pier ~~5~~42 public boat ramp with equivalent or enhanced facilities elsewhere on the eastern shoreline. Provide adequate parking designed to serve vehicles with boat trailers.

Central Basin-Agua Vista Park

Maintain and expand Agua Vista park. Allow some fill, using materials such as beach sand, if necessary for public recreation. Plant and maintain landscape materials suitable for the waterfront setting. Provide additional informational signing, and seating areas, to encourage additional use.

As opportunities arise, expand the area into a major public waterfront park, providing ~~Give priority to development of~~ large waterside areas for beach, park and picnic facilities with continuous, safe public access.

In the event it is determined that this area is needed for Port maritime expansion provide comparable open space elsewhere on the eastern shoreline.

Warm Water Cove

Improve the park site and cove shoreline along the Bay ~~east of Louisiana Street~~ at the end of 24th Street with shoreline fishing as the primary recreation use. Any fill placed at or adjacent to the cove should retain and enhance the natural and man-made factors that make the cove desirable for fishing. These factors include maximum open water and circulation into and out of the cove to prevent stagnation. Create a more interesting park landscape by regrading the site to maximize Bay views, and improve the soil as required to permit more vigorous vegetation growth and install marine tolerant plant species.

As opportunities arise, ~~expand parkland to include a~~ improve the waterfront picnic area west of Maryland Street. Continue to provide public access to the cove from Twenty Fourth Street and improve visibility of the park from the street. Provide a

consistent level of maintenance for landscaped and developed areas. As opportunities arise, extend the park to the north bank of the channel along the shoreline in front of the PG&E facility. When and if that facility is deactivated, give priority to expanding the public open space along the shoreline.

In the event it is determined that this area is needed for Port maritime expansion, provide comparable open space somewhere else on the eastern shoreline.

Islais Creek
Continue to provide well defined public access to the banks of Islais Creek at the Third Street bridge. Contingent upon development of a train trestle along the channel, construct a broad public access boardwalk along Islais Creek that provides areas for fishing and public enjoyment. Maintain and enhance view corridors along Islais Creek to the Bay.

Pier 98
Pier 98 is a narrow eleven-acre spit of land extending about 2,400 feet into the Bay at India Basin and consists primarily of fill placed there for a new Bay bridge, the Southern Crossing, that was once proposed for the site. Consistent with the Port's needs for a portion of the area to support maritime terminal operations, make the Pier south of Jennings Street available for public shoreline access, as long as it does not interfere with wildlife habitat. Maintain support of the ~~a~~ significant seasonal shorebird and wildlife population and restore and enhance marsh and tidal mudflats. Include a trail system, seating and picnic tables, and wildlife observation areas.

India Basin
Retain existing privately operated boat maintenance and repair yard uses. Give priority to development of marine oriented industrial and commercial recreation on property inland of the shoreline. Acquire and develop the mapped area as a continuous waterfront park. Permit development of a small boat marina with related facilities, including Z, public boat launch facility. Provide well-marked pedestrian and bicycle trails. Create grassy picnic areas and reserve vista points with good views over the Bay and to the downtown area. Investigate potential to reintroduce marsh and mudflats to restore these habitats for native flora and fauna.

CITYWIDE RECREATION & OPEN SPACE PLAN

Map 4

EXISTING PUBLIC OPEN SPACE

Retain Outdoor Open Space, Preserve Natural Qualities, And Where Appropriate Convert To Public Recreational Use

PROPOSED PUBLIC OPEN SPACE

Acquire For Or Convert To Public Open Space

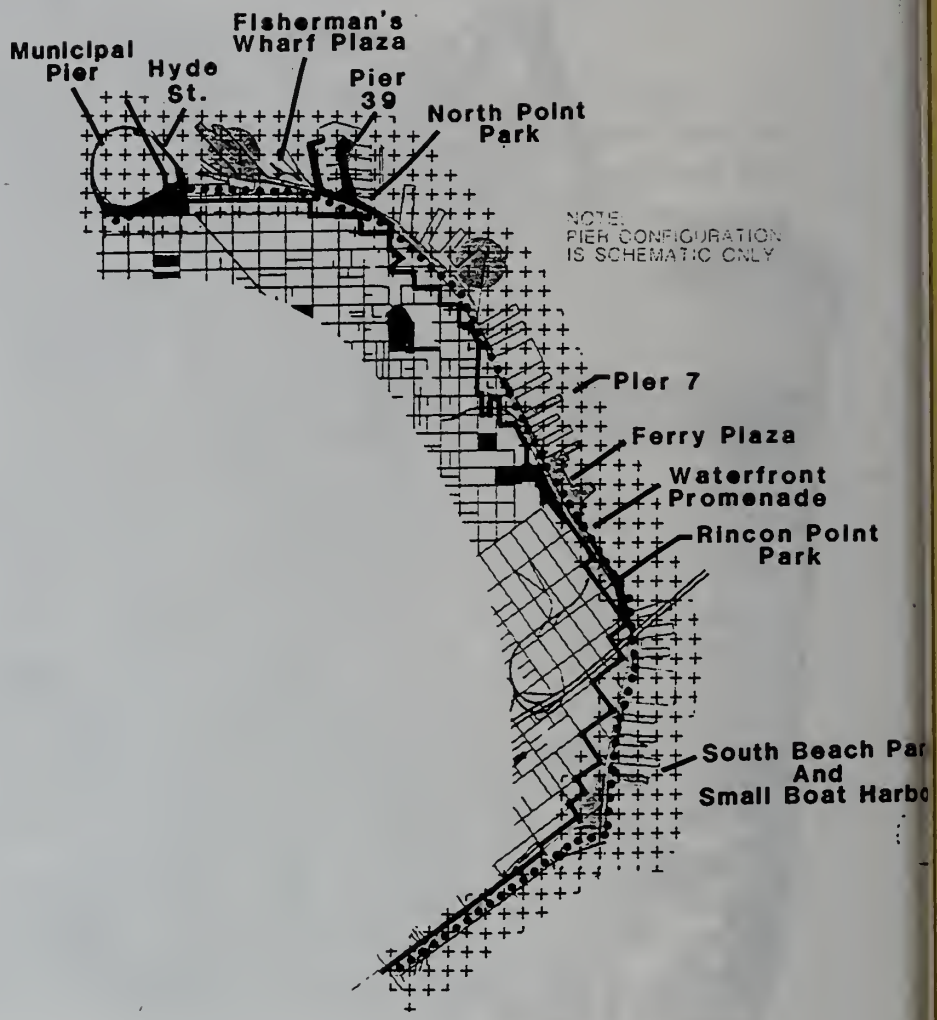
Provide New Open Space In The General Vicinity

Proposed Shoreline Trail

PROPOSED AMENDMENTS

Amendments are proposed to this Map to:

1) add a circle on Piers 34 and 36 to identify the site of a new proposed public open space in the South Beach area of the Northeastern shoreline;
2) adjust the location of the circle indicating proposed public open space in Fisherman's Wharf from Pier 45 to the Triangle parking lot on Assessor's Block 4 (Port Seawall lots 300 and 301); and
3) provide a cross-reference to the Northeastern and Eastern Shoreline Plans (Maps 7 and 8 of the Recreation and Open Space Element) for more detailed identification of existing and proposed open spaces.



NORTHEASTERN SHORELINE PLAN

Map 7

SHORELINE ZONE

All New Development Subject To Shoreline Guidelines

PUBLIC OPEN SPACE

Maintain And Improve The Quality Of Existing Shoreline Open Space & Recreation

PROPOSED PUBLIC OPEN SPACE

Provide New Open Space Along The Shoreline

Provide New Open Space In The General Vicinity

Proposed Shoreline Trail

Port Jurisdiction

PROPOSED AMENDMENTS

Amendments are proposed to this Map to.

1) add a circle on Piers 34 and 36 to identify the site of a new proposed public open space in the South Beach area; and
2) adjust the location of the circle indicating proposed public open space in Fisherman's Wharf from Pier 45 to the Triangle parking lot on Assessor's Block 4 (Port Seawall lots 300 and 301).

General Plan Amendments
Adjustments to the boundaries of the Northeastern and Central Waterfront Plan

Since the adoption of the Northeastern Waterfront Plan in 1977 and of the Central Waterfront Plan in 1980, several adjacent Area Plans were adopted with their areas overlapping those of the Northeastern and Central Waterfront Plans. Thus the affected properties are subject to two sets of policy which may result, in some cases, in inconsistencies. The Planning Department is proposing to correct these overlaps with the following boundary adjustments to the Northeastern Waterfront Plan and Central Waterfront Plan as described below and shown on the attached maps.

1. Overlap of the Northeastern Waterfront Plan with the Downtown Plan

Delete the following blocks from the Northeastern Waterfront Plan:
Blocks 204, 230 through 232, 234 through 237, 3713, 3715, the western portion of Block 233, the northern portions of Blocks 262 through 264 and the northwestern portion of Block 3741.

These blocks are contained in the area bounded by Washington, Davis, Clay, western boundary of Justin Herman Plaza, Steuart, Mission, Spear, Market, south of California, and Battery Streets, the block bounded by Mission, the Embarcadero, Howard and Steuart Streets, and the northwestern portion of the block bounded by Steuart, Folsom, Spear and Howard Streets.

(Note: Block 3716 and the southeastern part of Block 3741 were deleted from the Downtown Plan by CPC Resolution 13324 adopted on March 6, 1997.)

2. Overlap of the Northeastern Waterfront Plan with the Rincon Hill Plan

Delete the following blocks from the Northeastern Waterfront Plan:
Blocks 3744, 3768 and 3769

These blocks are contained in the area bounded by The Embarcadero, Bryant, Main, Harrison, Spear, and Folsom Streets.

3. Overlap of the Northeastern Waterfront Plan with the South of Market Plan:

Delete the following blocks from the Northeastern Waterfront Plan:
Block 3788 and western portions of Blocks 3774 and 3789.

These blocks are contained in the area consisting of the western portion of the block bounded by First, Brannan, Second, and Bryant Streets, and the western portion of the block bounded by Colin P. Kelly, Townsend, Second and Brannan Streets, and the block bounded by Second, Townsend, Third and Brannan Streets.

4. Overlap of the Central Waterfront Plan with the South Bayshore Plan:

Delete the following blocks from the Central Waterfront Plan:
Blocks 4352 through 4355, 4358, and 4377 through 4382.

These blocks are contained in the area bounded by Cesar Chavez (Army) Street, Illinois Street, Islais Creek Channel and Highway 280.

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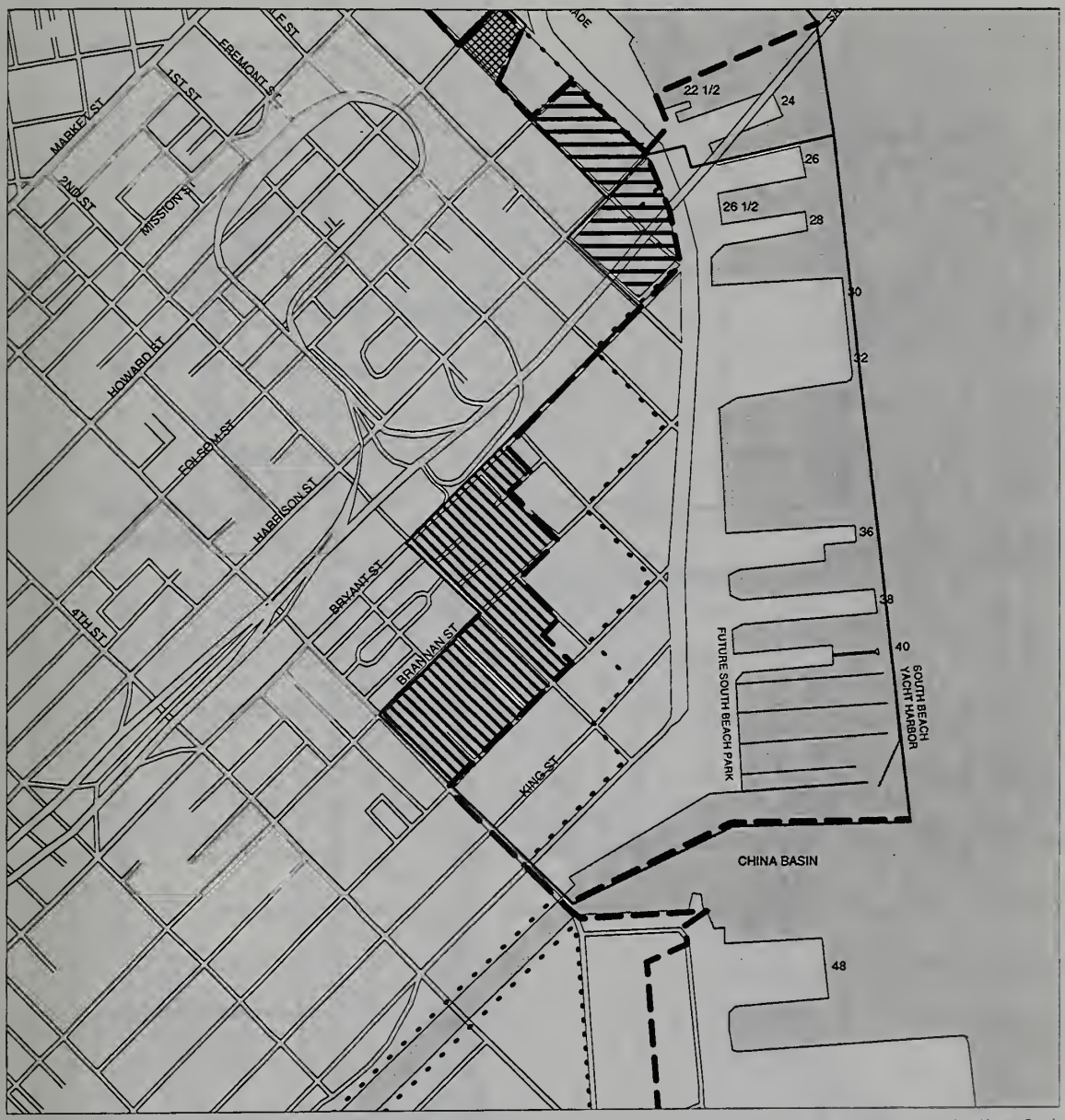
Ferry Building Subarea
Map Showing Proposed Boundary Changes

- Port Property Boundary
- Existing Plan Area Boundary
- Proposed Plan Area Boundary Changes
- Area under Downtown Plan and proposed to be deleted from Northeastern Waterfront Plan Area
- Area under Rincon Hill Plan and proposed to be deleted from Northeastern Waterfront Plan Area



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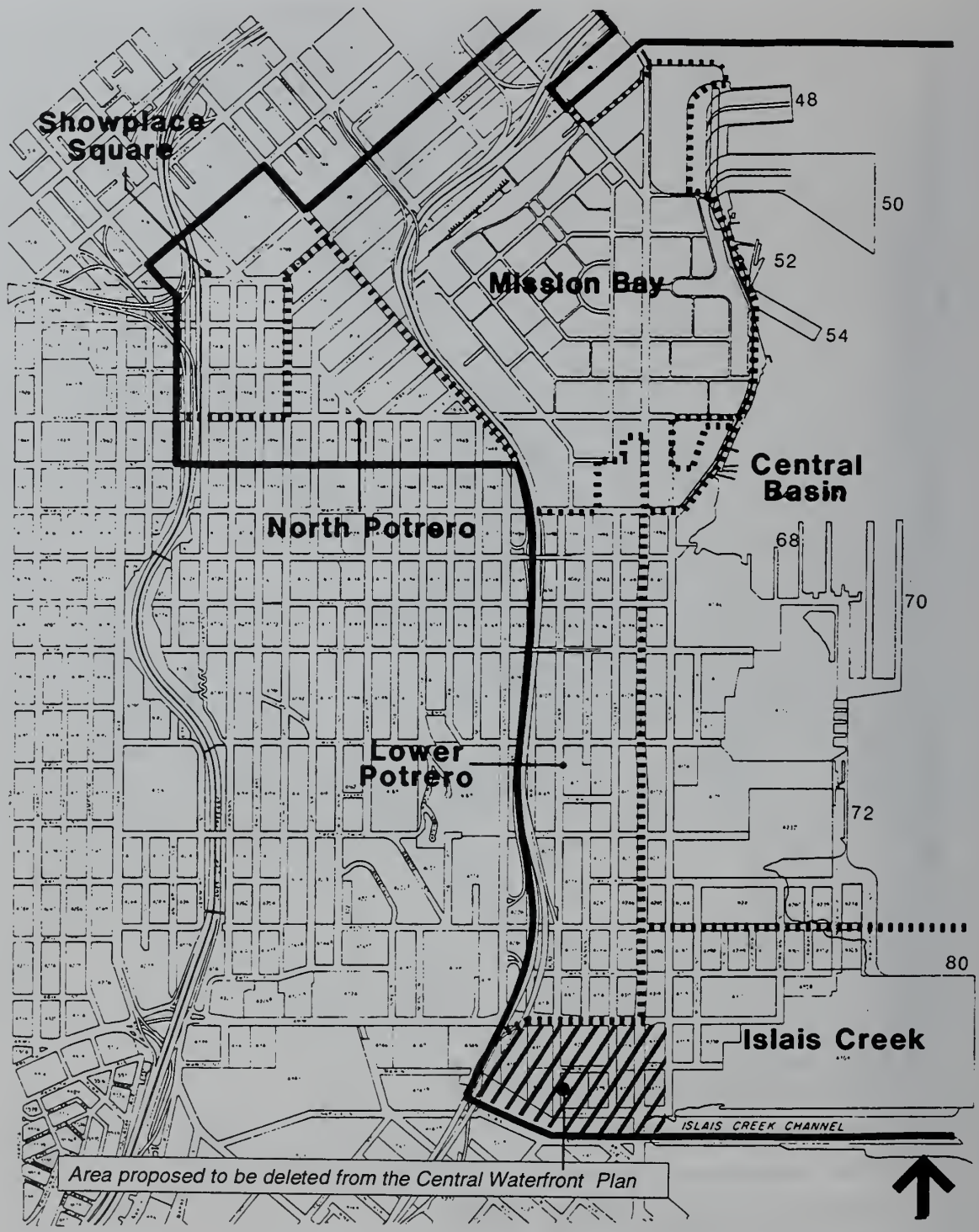
South Beach Subarea
Map Showing Boundary Changes

- Port Property Boundary
- Existing Plan Area Boundary
- Proposed Plan Area Boundary
- Area under South of Market Plan, proposed to be deleted from Northeastern Waterfront Plan Area.



CENTRAL WATERFRONT PLAN

Attachment B-1

Summary Comparison of Planning Code Controls for Northern Waterfront Special Use Districts (NWSUD)

September 1997

NWSUD #1	Existing Planning Code and Zoning Map	Proposed Amendments
Name/Boundaries	NWSUD #1 includes piers from Hyde Street Pier to Pier 24 ½, and Seawall lots 311-314.	Rename as Waterfront Special Use District #1. Includes piers from Hyde Street Pier south through Pier 40/South Beach Harbor, and excludes Seawall lots.
Planning Commission Review Requirements	New non-maritime leases or developments require Planning Commission conditional use authorization subject to general and specific use, design and other criteria in the General Plan and Planning Code.	Maritime and those non-maritime uses identified in the *Waterfront Plan* are permitted without Planning Commission review, except those which would require conditional use in other like-zoned areas City-wide. Non-maritime uses involving substantial exterior alterations visible from public areas (except repairs, replacement or maintenance improvements) or new construction require Joint Design Review to determine project consistency with the *Waterfront Plan's Design & Access* element.
Joint Design Review Process	Currently, the Planning Commission's review of project design issues is included in the conditional use review process; there are no provisions for joint agency review.	Establish a Joint Design Advisory Committee with City (Mayor, Planning, Port) and BCDC representatives with expertise in planning, urban design and architecture. Design Review process: 1) Committee holds public meetings to review project design and develop joint recommendations to agencies, consistent with *Design & Access*. 2) Design recommendations are incorporated by the Port into the project. If there are unresolved design issues, and/or the Planning Commission disagrees with joint recommendations, it may review the design with an option for a joint Port/Planning Commission hearing. 3) Port may appeal Planning Commission design recommendations to the Board of Supervisors for final determination.

Summary Comparison of Planning Code Controls for Northern Waterfront Special Use Districts (NWSUD)

September 1997

NWSUD #3	Existing Planning Code and Zoning Map	Proposed Amendments
Name/ Boundaries	NWSUD #3 includes Port Seawall lots north of Broadway.	Rename as Waterfront Special Use District #3. Includes existing Seawall lots plus Seawall lots in the South Beach area, excluding the Northeast China Basin SUD (Pacific Bell Park).
Planning Commission Review Requirements	Sites 3 acres or larger require Planning Commission conditional use authorization subject to general and specific use, design and other criteria in the General Plan/Planning Code, as do uses (e.g., hotels) requiring authorization elsewhere in city.	Maritime and those non-maritime uses identified in the *Waterfront Plan* are permitted without Planning Commission review, except those which would require conditional use in other like-zoned areas City-wide. New construction on sites of ½ acre or larger require Joint Design Review to determine project consistency with the *Waterfront Plan's Design & Access* element.
Joint Design Review Process	Currently, the Planning Commission's review of project design issues is included in the conditional use review process; there are no provisions for joint agency review	Establish a Joint Design Advisory Committee with City (Mayor, Planning, Port) and BCDC representatives with expertise in planning, urban design and architecture. Design Review process: 1) Committee holds public meetings to review project design and develop joint recommendations to agencies, consistent with *Design & Access*. 2) Design recommendations are incorporated by the Port into the project. If there are unresolved design issues, and/or the Planning Commission disagrees with joint recommendations, it may review the design with an option for a joint Port/Planning Commission hearing. 3) Port may appeal Planning Commission design recommendations to the Board of Supervisors for final determination.

ATTACHMENT B-2

[Waterfront Planning Code Text]

AMENDING PART II, CHAPTER II OF THE SAN FRANCISCO MUNICIPAL CODE (PLANNING CODE) BY AMENDING PLANNING CODE SECTIONS 102.14, 124, 161, 205.1, 240, 240.1, 240.2, 240.3, 263, 263.2 AND 263.3 TO RENAME THE NORTHERN WATERFRONT SPECIAL USE DISTRICTS AS THE WATERFRONT SPECIAL USE DISTRICTS, TO INCLUDE PIERS WITHIN THE DEFINITION OF LOTS, TO ALLOW REDUCTIONS IN PARKING REQUIREMENTS WITHIN WATERFRONT SPECIAL USE DISTRICTS, TO ALLOW BROADER SPONSORSHIP FOR FESTIVALS AND OTHER CELEBRATIONS ELIGIBLE AS TEMPORARY USES, TO CREATE A WATERFRONT DESIGN REVIEW PROCESS AND DESIGN ADVISORY COMMITTEE, TO ALLOW USES PERMITTED OR CONDITIONALLY PERMITTED BY PLANNING CODE SECTION 201 AS PRINCIPAL USES AND CONDITIONAL USES, RESPECTIVELY, WITHIN WATERFRONT SPECIAL USES DISTRICT NUMBER 1 IF THE USES ARE INCLUDED WITHIN THE WATERFRONT LAND USE PLAN, TO MODIFY CRITERIA FOR CONDITIONAL USE APPROVALS IN WATERFRONT SPECIAL USE DISTRICT NUMBERS 1 AND 3, AND TO ADD PLANNING CODE SECTION 227(s) TO INCLUDE WATERBORNE COMMERCE, NAVIGATION, FISHERIES AND RECREATION USES AS PRINCIPAL USES WITHIN M-1 AND M-2 DISTRICTS.

NOTE: Proposed additions are underlined; proposed deletions are shown with ((double parentheses)).

Be it ordained by the People of the City and County of San Francisco:

Section 1. Pursuant to Resolution of the Board of Supervisors, adopting the Waterfront Land Use Plan Final Environmental Impact Report, and pursuant to Section 302(c) of the Planning Code, Part II, Chapter II of the San Francisco Municipal Code, the following amendments to the Planning Code duly approved by Resolution No. ____ of the Planning Commission are hereby adopted as an amendment to the Planning Code of the City and County of San Francisco.

SEC. 102.14. LOT. A parcel of land under one ownership which constitutes, or is to constitute, a complete and separate functional unit of development, and which does not extend beyond the property lines along streets or alleys. A lot as so defined generally consists of a single Assessor's lot, but in some cases consists of a combination of contiguous Assessor's lots or portions thereof where such combination is necessary to meet the requirements of this Code. In order to clarify the status of specific property as a lot under this Code, the Zoning Administrator may, consistent with the provisions of this Code, require such changes in the Assessor's records, placing of restrictions on the land records, and other actions as may be necessary to assure compliance with this Code. The definition of "lot" shall also be applicable to piers under the jurisdiction of the Port Commission.

SEC. 124. BASIC FLOOR AREA RATIO. (a) Except as provided in Subsections (b), (c) and (e) of this Section, the basic floor area ratio limits specified in the following table shall apply to each building or development in the districts indicated.

TABLE 124
BASIC FLOOR AREA RATIO LIMITS

District	Basic Floor Area Ratio Limit
RH-1(D), RH-1, RH-1(S), RH-2, RH-3, RM-1, RM-2	1.8 to 1
RM-3	3.6 to 1
RM-4	4.8 to 1
RC-1, RC-2	1.8 to 1
RC-3	3.6 to 1
RC-4	4.8 to 1
RED	1.0 to 1
RSD, SPD	1.8 to 1
NC-1, NC-S, Inner Clement, Outer Clement, Haight, North Beach, Sacramento, 24th Street—Noe Valley, West Portal	1.8 to 1
NC-2, Broadway, Upper Fillmore, Polk, Valencia, 24th Street—Mission	2.5 to 1
Castro, Hayes-Gough, Upper Market, Union	3.0 to 1
NC-3	3.6 to 1
Chinatown R/NC	1.0 to 1
Chinatown VR	2.0 to 1
Chinatown CB	2.8 to 1
C-1, C-2	3.6 to 1
C-2-C	4.8 to 1
C-3-C	6.0 to 1
C-3-O	9.0 to 1
C-3-R	6.0 to 1
C-3-G	6.0 to 1
C-3-S	5.0 to 1
C-3-0 (SD)	6.0 to 1
C-M	9.0 to 1
M-1, M-2	5.0 to 1

SSO and in a 40 or 50 foot height district	3.0 to 1
SSO and in a 65 or 80 foot height district	4.0 to 1
SSO and in a 130 foot height district	4.5 to 1

(b) In R, NC, and Mixed Use Districts, the above floor area ratio limits shall not apply to dwellings or to other residential uses. In NC Districts, the above floor area ratio limits shall also not apply to nonaccessory off-street parking. In Chinatown Mixed Use Districts, the above floor area ratio limits shall not apply to institutions, and mezzanine commercial space shall not be calculated as part of the floor area ratio.

(c) In a C-2 District the basic floor area ratio limit shall be 4.8 to 1 for a lot which is nearer to an RM-4 or RC-4 District than to any other R District, and 10.0 to 1 for a lot which is nearer to a C-3 District than to any R District. The distance to the nearest R District or C-3 District shall be measured from the midpoint of the front line, or from a point directly across the street therefrom, whichever gives the greatest ratio.

(d) In the Van Ness Special Use District, as described in Section 243 of this Code, the basic floor area ratio limit shall be 7.0 to 1 where the height limit is 130 feet and 4.5 to 1 where the height limit is 80 feet.

(e) In the ((Northern)) Waterfront Special Use Districts, as described in Sections 240 through 240.3 of this Code, the basic floor area ratio limit in any C District shall be 5.0 to 1.

(f) For buildings in C-3-G and C-3-S Districts other than those designated as Significant or Contributory pursuant to Article 11 of this Code, additional square footage above that permitted by the base floor area ratio limits set forth above may be approved for construction of dwellings on the site of the building affordable for 20 years to households whose incomes are within 150 percent of the median income as defined herein, in accordance with the conditional use procedures and criteria as provided in Section 303 of this Code.

(1) Any dwelling approved for construction under this provision shall be deemed a "designated unit" as defined below. Prior to the issuance by the Superintendent of the Bureau of Building Inspection ("Superintendent") of a site or building permit to construct any designated unit subject to this Section, the permit applicant shall notify the Director of Planning and the Director of Property in writing whether the unit will be an owned or rental unit as defined in Section 313(a) of this Code.

(2) Within 60 days after the issuance by the Superintendent of a site or building permit for construction of any unit intended to be an owned unit, the Director of Planning shall notify the City Engineer in writing identifying the intended owned unit, and the Director of Property shall appraise the fair market value of such unit as of the date of the appraisal, applying accepted valuation methods, and deliver a written appraisal of the unit to the Director of Planning and the permit applicant. The permit applicant shall supply all information to the Director of Property necessary to appraise the unit, including all plans and specifications.

(3) Each designated unit shall be subject to the provisions of Section 313(i) of this Code. For purposes of this Subsection and the application of Section 313(i) of this Code to designated units constructed pursuant to this Subsection, the definitions set forth in Section 313(a) shall apply, with the exception of the following definitions, which shall supersede the definitions of the terms set forth in Section 313(a):

(A) "Base price" shall mean 3.25 times the median income for a family of four persons for the County of San Francisco as set forth in California Administrative Code Section 6932 on the date on which a housing unit is sold.

(B) "Base rent" shall mean .45 times the median income for the County of San Francisco as set forth in California Administrative Code Section 6932 for a family of a size equivalent to the number of persons residing in a household renting a designated unit

(C) "Designated unit" shall mean a housing unit identified and reported to the Director by the sponsor of an office development project subject to this Subsection as a unit that shall be affordable to households of low or moderate income for 20 years.

(D) "Household of low or moderate income" shall mean a household composed of one or more persons with a combined annual net income for all adult members which does not exceed 150 percent of the qualifying limit for a median income family of a size equivalent to the number of persons residing in such household, as set forth for the County of San Francisco in California Administrative Code Section 6932.

(E) "Sponsor" shall mean an applicant seeking approval for construction of a project subject to this Subsection and such applicants' successors and assigns.

(g) The allowable gross floor area on a lot which is the site of an unlawfully demolished building that is governed by the provisions of Article 11 shall be the gross floor area of the demolished building for the period of time set forth in, and in accordance with the provisions of, Section 1114 of this Code, but not to exceed the basic floor area permitted by this Section.

(h) In calculating the permitted floor area of a new structure in a C-3 District, the lot on which an existing structure is located may not be included unless the existing structure and the new structure are made part of a single development complex, the existing structure is or is made architecturally compatible with the new structure, and, if the existing structure is in a Conservation District, the existing structure meets or is made to meet the standards of Section 1109(c), and the existing structure meets or is reinforced to meet the standards for seismic loads and forces of the 1975 Building Code. Determinations under this Paragraph shall be made in accordance with the provisions of Section 309.

(i) In calculating allowable gross floor area on a preservation lot from which any TDRs have been transferred pursuant to Section 128, the amount allowed herein shall be decreased by the amount of gross floor area transferred.

(j) Within any RSD, SPD, SLR, SLI or SSO District, live/work units constructed above the Floor Area Ratio limit pursuant to Section 102.9(b)(19) of this Code shall be subject to the following conditions and standards:

(1) Considering all dwelling units and all live/work units on the lot, existing and to be constructed, there shall be no more than one live/work unit and/or dwelling unit per 200 square feet of lot area, except that, for projects in the RSD District which will exceed 40 feet in height, and therefore are required to obtain conditional use approval, the allowable density for dwelling units and live/work units shall be established as part of the conditional use determination, and

(2) The parking requirement for live/work units subject to this subsection shall be equal to that required for dwelling units within the subject district.

SEC. 161. EXEMPTIONS FROM OFF-STREET PARKING, FREIGHT LOADING AND SERVICE VEHICLE REQUIREMENTS. The following exemptions shall apply to the requirements for off-street parking and loading spaces set forth in Sections 151 through 155 of this Code. These provisions, as exemptions, shall be narrowly construed.

(a) No off-street parking shall be required for a one-family or two-family dwelling where the lot on which such dwelling is located is entirely inaccessible by automobile because of topographic conditions.

(b) No off-street loading shall be required where access to the lot cannot be provided other than by means of a driveway across a sidewalk 25 feet or more in width from the curb to the front lot line which would cause serious disruption to pedestrian traffic.

(c) In recognition of the compact and congested nature of the downtown area and portions of Chinatown, the accessibility of this area by public transit, and programs for provision of public parking facilities on an organized basis at specific locations, no off-street parking shall

be required for any use, other than dwellings where a requirement is specified, in any C-3, Chinatown Visitor Retail, or Chinatown Residential Neighborhood Commercial Districts.

(d) In recognition of the small scale of development, the desirability of retention and conversion of many existing buildings of established character, the need to relieve congestion, and the provision of public parking facilities on an organized basis at specific locations, no off-street parking shall be required for any use other than dwellings in the Washington Broadway Special Use District Numbers 1 and 2 as described in Section 239 of this Code and in the Chinatown Community Business District, where the size of the lot does not exceed 20,000 square feet.

(e) In recognition of the close neighborhood orientation of the uses provided for in Residential-Commercial Combined Districts of high density, no off-street parking shall be required for any principal use in an RC-4 District for which the form of measurement is occupied floor area, where the occupied floor area of such use does not exceed 10,000 square feet.

(f) In recognition of the policies set forth in ((The Plan for)) the Northeastern Waterfront Plan, a part of the ((Master)) General Plan, the unique nature of the area and the difficulty of providing vehicular access thereto, the Planning Department or City Planning Commission in specific cases may determine an appropriate reduction in off-street parking requirements in ((the Northern)) Waterfront Special Use District Numbers 1 and 3 as described in Sections 240.1 and 240.3 of this Code, in authorizing any principal or conditional use, respectively, under ((that)) those sections. In considering any such reduction, the Planning Department for principal uses, and the City Planning Commission for conditional uses, shall consider the following criteria:

(1) The anticipated parking demand to be generated by the particular use contemplated;

(2) Accessibility to the proposed site from freeway ramps or from major thoroughfares;

(3) Minimization of conflict of vehicular and pedestrian movements;

(4) The service patterns of forms of transportation other than the automobile;

(5) The pattern of land uses and the availability of parking in the vicinity;

(6) The policies set forth in ((The Plan for)) the Northeastern Waterfront Plan, including policies concerning the relative emphasis that should be given to pedestrian and vehicular movement; and

(7) Such other criteria as may be deemed appropriate in the circumstances of the particular case.

(g) In instances in which all public agencies involved have certified by resolution that the requirements of this Code (i) will be satisfied in whole or in part by public off-street parking facilities constructed or authorized to be constructed for a special assessment district or upon any other basis, or (ii) in C-3 and NC Districts will be satisfied by a requirement of a cash contribution in an amount deemed sufficient to provide for the future construction of the required number of parking stalls, off-street parking required for individual buildings and uses may be correspondingly reduced if the total off-street parking supply in the area will nevertheless meet the requirements of this Code for all buildings and uses in the area.

(h) The off-street parking requirements for dwelling units in the North of Market Residential Special Use District, as described in Section 249.5 of this Code, may be reduced by the City Planning Commission pursuant to the procedures for conditional use authorization set forth in Section 303 of this Code. In acting upon any application for a reduction of requirements, the City Planning Commission shall consider the criteria set forth below in lieu of the criteria set forth in Section 303(c), and may grant the reduction if it finds that:

(1) The reduction in the parking requirement is justified by the reasonably anticipated auto usage by residents of and visitors to the project; and

(2) The reduction in the parking requirement will not be detrimental to the health, safety, convenience, or general welfare of persons residing or working in the vicinity.

(i) In recognition of the fact that site constraints in C-3 Districts may make provision of required freight loading and service vehicle spaces impractical or undesirable, a reduction in or

waiver of the provision of freight loading and service vehicle spaces for uses in C-3 Districts may be permitted, in accordance with the provisions of Section 309 of this Code. In considering any such reduction or waiver, the following criteria shall be considered:

(1) Provision of freight loading and service vehicle spaces cannot be accomplished underground because site constraints will not permit ramps, elevators, turntables and maneuvering areas with reasonable safety;

(2) Provision of the required number of freight loading and service vehicle spaces on-site would result in the use of an unreasonable percentage of ground-floor area, and thereby preclude more desirable use of the ground floor for retail, pedestrian circulation or open space uses;

(3) A jointly used underground facility with access to a number of separate buildings and meeting the collective needs for freight loading and service vehicles for all uses in the buildings involved, cannot be provided; and

(4) Spaces for delivery functions can be provided at the adjacent curb without adverse effect on pedestrian circulation, transit operations or general traffic circulation, and off-street space permanently reserved for service vehicles is provided either on-site or in the immediate vicinity of the building.

(j) The off-street parking requirements for dwelling units in NC Districts, as described in Article 7 of this Code, may be reduced by the City Planning Commission pursuant to the procedures for conditional use authorization set forth in Section 303 of this Code. In acting upon any application for a reduction of requirements, the City Planning Commission shall consider the criteria set forth below in lieu of the criteria set forth in Section 303(c), and may grant the reduction if it finds that:

(1) The reduction in the parking requirement is justified by the reasonably anticipated auto usage by residents of and visitors to the project; and

(2) The reduction in the parking requirement will not be detrimental to the health, safety, convenience, or general welfare of persons residing or working in the vicinity

(k) For arts activities in the RED, RSD, SPD, SLR, SLI or SSO Districts which will operate primarily during evenings and weekends, the Zoning Administrator may reduce or waive the off-street parking requirement when he or she determines pursuant to Section 307(g) that within an 800 foot walking distance from the site the anticipated demand from the proposed project, in combination with the existing nighttime and/or weekend demand for parking within the same geographic area at the time of the permit application, would not exceed 90 percent of the on-street or off-street parking spaces available to the public within the subject area. The applicant shall provide to the Zoning Administrator an acceptable parking survey and study which shows evidence of existing parking resources and demand and anticipated demand generated by the proposed project and nearby land uses. The Zoning Administrator may impose conditions on reduction or waiver of the requirement, including, but not limited to, advertising of nearby transit and parking facilities, requiring valet parking services and/or leasing parking spaces on nearby lots during performance or exhibition activities.

(l) Beginning on the effective date of Ordinance No. 412-88 (effective October 10, 1988), within any South of Market District, the Zoning Administrator, upon application pursuant to Section 307(g), may waive or reduce the required off-street parking for any nonresidential use where he or she determines that: (1) sufficient spaces to replace the waived or modified requirement will be provided within a parking facility open to the public sponsored by the San Francisco Parking authority or the City and County of San Francisco, (2) it is anticipated that the replacement spaces will be available not more than 10 years after the parking would otherwise first be required to be available; (3) the facility in question is within a walking distance, as defined in Section 159(d), of one-half mile; and (4) the applicant agrees to pay a one-time fee of $15,000 (this amount shall be adjusted annually effective April 1st of each calendar year by the percentage of change in the Building Cost Index used by the San Francisco Bureau of Building Inspection)

for each space as to which the requirement is waived or modified, which fee shall be deposited to the Off Street Parking Fund for the purpose of acquiring property or rights to property, through lease, purchase, or other means, and design, improvement and maintenance of property, for the general purpose of providing publicly accessible parking within the South of Market Base District, as defined in City Planning Code Section 820 and identified on Sectional Map 3SU of the Zoning Map of the City and County of San Francisco, which parking is reasonably expected to be used by persons who live, work, shop, do business or visit in the South of Market Base District. Said fee, and any interest accrued by such fee, shall be used for the purposes stated herein unless it is demonstrated that it is no longer needed. This payment shall be paid in full to the City prior to the issuance of any temporary or other certificate of occupancy for the subject property.

(m) Within the South of Market Base District, the required off-street parking for any nonresidential principal or conditional use in structures designated as landmarks, as contributory buildings within a historic district identified in the approved South of Market Plan or as significant or contributory buildings pursuant to Article 11 of this Code, may be modified or waived by the Zoning Administrator pursuant to Section 307(g) of this Code when the Landmark Preservation Advisory Board advises that the provision of parking would adversely affect the landmark, significant or contributory character of the structure or that modification or waiver would enhance the economic feasibility of preservation of the landmark or structure.

(n) With respect to dwelling units in the Chinatown Mixed Use Districts, the parking requirement may be reduced to not less than one space for each four dwelling units, if the Zoning Administrator determines pursuant to Section 307(g) that the reduced parking requirement is sufficient to serve the reasonably anticipated auto ownership by residents of and auto usage by visitors to the project.

(o) Within the South of Market Base District, upon approval by the Zoning Administrator pursuant to Section 307(g), the required off-street parking for bars, restaurants, arts, nighttime entertainment, pool halls, and neighborhood-serving retail or personal service activities may be modified, reduced or waived through participation in a Parking Management Program approved by the Zoning Administrator which may include, but need not be limited to, participation in a coordinated off-site satellite parking facilities program, shuttle service, specified signage and designated advertising procedures.

SEC. 205.1. TEMPORARY USES: SIXTY-DAY LIMIT. A temporary use may be authorized for a period not to exceed 60 days for any of the following uses:

(a) Neighborhood carnival, exhibition, celebration or festival sponsored by an organized group of residents in the vicinity or, in C or M Districts, sponsored by property owners or businesses in the vicinity;

(b) Booth for charitable, patriotic or welfare purposes;

(c) Open air sale of agriculturally produced seasonal decorations, including, but not necessarily limited to, Christmas trees and Halloween pumpkins.

SEC. 240. ((NORTHERN)) WATERFRONT SPECIAL USE DISTRICT. (a) **Purpose.** In order to provide for certain areas with unique natural and man-made physical characteristics, distinct maritime character, special traffic, parking and use considerations, recognized development potential, and proximity to residential, public and commercial areas of regional, national and international significance which should be protected from adverse adjacent development, there shall be three ((Northern)) Waterfront Special Use Districts, Numbers 1, 2 and 3, as designated on Sectional Map No. 1 SU* of the Zoning Map. The original copy of said Sectional Map with these Special Use Districts indicated thereon is on file with the Clerk of the Board of Supervisors under File No. 171-70-4 and subsequent amendments under File No. _____. The provisions set forth in Sections 240.1 through 240.3 shall apply, respectively,

within these Special Use Districts, and shall be applicable to all property, whether public or private, including property under the jurisdiction of the San Francisco Port Commission.

(b) **State and Regional Land Use Controls.** Much of the property within Waterfront Special Use District Numbers 1 and 3 is subject to land use controls in addition to those set forth in this Code. Most of the land under the jurisdiction of the Port Commission is public trust land and is subject to use limitations as provided in California Statutes of 1968, Chapter 1333, as amended (the "Burton Act") and the San Francisco Charter. In the event of a conflict between the provisions of the Burton Act and this Code, the State legislation would prevail. A portion of the property under the Port Commission's jurisdiction is further subject to use limitations as provided in the California Government Code, Sections 66600 et seq. (the "McAteer-Petris Act.") The San Francisco Bay Conservation and Development Commission is responsible for implementing the provisions of the McAteer-Petris Act. Other property within this Waterfront Special Use District is subject to Redevelopment Plans adopted by the Board of Supervisors.

(c) **Waterfront Design Review Process.**

(1) In order to best achieve the public objectives that have been established in law and policy for the property under the jurisdiction of the Port Commission, a Waterfront design review process is hereby established to review the urban design of new development on certain land under the Port Commission's jurisdiction within the Waterfront Special Use District, consistent with applicable provisions of the Port's Waterfront Land Use Plan and its Waterfront Design and Access goals, objectives and criteria, as provided below. The purpose of the Waterfront design review process is to identify and integrate the state, regional and local objectives pertaining to the urban design of proposed uses in order to optimize the public enjoyment and beneficial use of this public trust resource.

(2) The Waterfront design review process shall be conducted by a Design Advisory Committee. The Mayor shall appoint a qualified professional urban planner or architect (general, historic or landscape) who resides or works in San Francisco as one member. The Director of Planning and the Director of the Port of San Francisco shall each appoint two members, consisting of (1) a senior member from their respective staffs and (2) a qualified professional urban planner or architect (general, historic or landscape) who resides or works in San Francisco, not employed within their agency. Of the original appointments, the Mayor's appointment shall serve for a four (4) year term, and the Planning Director and Port Director shall each appoint one member for a two (2) year term and one member for a four (4) year term. After expiration of the original terms, all appointments shall be for four (4) year terms. The Design Advisory Committee shall select a chairperson from among its voting members, and shall establish rules and regulations for its own organization and procedure. The Committee may establish subcommittees to which it may assign Committee design review responsibilities. The Committee shall act by vote of a majority of those present at a meeting with a quorum of Committee members.

(3) The Design Advisory Committee shall review proposed projects to be developed on property of the Port of San Francisco as set forth in Sections 240.1 and 240.3 of this Code.

(4) The Design Advisory Committee shall be advisory to the Planning Department and Port of San Francisco, and shall provide its design recommendations to the Bay Conservation and Development Commission for proposed projects within its jurisdiction. The Port Commission is granted the authority to increase the number of Committee members by adding representatives appointed by the Director of the Bay Conservation and Development Commission. The Port shall convene and provide staff assistance to the Committee and consult with the Committee on non-maritime development projects as set forth in this Code and at such other times as the Port deems appropriate.

(5) The Planning Commission and the Port Commission shall hold a joint hearing within two (2) years from the date of adoption of this ordinance to evaluate the design review process and make recommendations to the Board of Supervisors for its improvement.

(6) The Committee shall hold a public hearing on a proposed project and make design recommendations to ensure that the urban design of the proposed project is, on balance, consistent with applicable provisions of the Waterfront Land Use Plan's Waterfront Design and Access goals, objectives and criteria. The Committee shall provide public notice for this hearing by mail to the applicant or other person or agency initiating the action and other parties who have requested mailed notice of such hearing on the project in writing.

(7) The Committee, as an advisory board, must review and consider any final environmental documents, or draft documents if final documents are not yet available, prepared pursuant to the California Environmental Quality Act before it makes its final recommendations.

(8) The determination of the Committee on urban design issues related to the proposed project shall be final as to those design issues, except as provided below. The Committee shall transmit the design recommendations to the Planning Department and Port, and to the Bay Conservation and Development Commission for proposed projects within its jurisdiction, within five days following the Committee action for consideration by those agencies prior to any action on the project.

(A) For a project that is permitted as a principal use, the Planning Commission can, by majority vote within fourteen (14) days of receipt of the design recommendations of the Committee, make a determination to review the design recommendations. If the Commission requests review, it shall schedule a public hearing on the matter within fourteen (14) days following receipt of the design recommendations, if legally adequate environmental documents have been completed, or at its first public meeting after such documents have been completed, unless the Port Director agrees to a different date. At the request of the Port Director, the meeting shall be conducted as a joint public hearing of the Planning Commission and the Port Commission. The Planning Commission, by majority vote, may adopt, amend or reject the design recommendations of the Committee, subject to the same standards and criteria that govern Committee decisions as provided in Section (c)(6) above.

If the Port Commission accepts the design recommendations of the Committee or of the Planning Commission, the Port Commission shall incorporate the design recommendations into the Port action on the project.

If the Port Commission objects to or seeks to modify the design recommendations of the Committee, the Port Commission may request Planning Commission review of the design recommendations of the Committee. The Planning Commission shall schedule a public hearing and review the design recommendations of the Committee within twenty (20) days following receipt of the request, if legally adequate environmental documents have been completed, or at its first public meeting after such documents have been complete, unless the Port Director agrees to a different date. At the request of the Port Director, the meeting shall be conducted as a joint public hearing of the Planning Commission and the Port Commission.

If the Port Commission objects to or seeks to substantially modify design recommendations that have been approved by the Planning Commission as set forth above, the Port Commission may appeal the design recommendations to the Board of Supervisors pursuant to the procedures and requirements set forth

in Section 308.1 of this Code for appeals of conditional uses. The decision of the Board of Supervisors to impose design conditions is final.

(B) For a project that requires a conditional use authorization, the Director of Planning shall incorporate the design recommendations of the Committee on urban design issues related to the proposed project into the recommendation to the Planning Commission. The Director of Planning may recommend specific modifications to the Committee's design recommendations, in which case the Director's recommendation shall specify why the Committee's design recommendations shall not be considered final. The Director of Planning shall schedule a public hearing before the Planning Commission within thirty (30) days following receipt of the Committee's design recommendations, if legally adequate environmental documents have been completed, or at its first public meeting after such documents have been completed, unless the Port Director agrees to a different date.

(d) A project within a Waterfront Special Use District shall be reviewed under the provisions set forth in the Waterfront Special Use District within which boundaries it is located, and shall not be considered, for review purposes under this Code, as including or being part of a project within an adjoining Waterfront Special Use District, notwithstanding the timing of development, the physical proximity or type of uses associated with any other such projects, or the applicant or other person or agency initiating the action.

SEC. 240.1. ((NORTHERN)) WATERFRONT SPECIAL USE DISTRICT NO. 1.

The following provisions shall apply within ((Northern)) Waterfront Special Use District No. 1.

(a) **Maritime Uses and Related Accessory Uses.** Maritime uses within Waterfront Special Use District Number 1 include those uses that require access to or use of San Francisco Bay waters in order to function or operate in the normal course of business, including but not limited to those uses associated with waterborne commerce, navigation, fisheries and recreation, and industrial, commercial and other operations directly related to the conduct of waterborne commerce, navigation, fisheries and recreation. A related minor use which is either necessary to the operation or enjoyment of a maritime use or is appropriate, incidental and subordinate to any such use shall be permitted as an accessory use when located on the same lot, provided that the use does not involve the use of more than one-third (1/3) of the site area including land and water occupied by such use and the principal or conditional use to which it is accessory, except in the case of accessory off-street parking and loading.

((a))(b) Principal Uses shall include:

(1) Maritime uses as defined above in paragraph (a) ((Waterborne commerce and navigation, and industrial, commercial and other operations directly related to the conduct of waterborne commerce or navigation)) shall be permitted as principal uses((.)) ;

(2) Any use which is listed in the Code as a permitted use in the district established by Section 201 applicable to the particular property involved shall be permitted as a principal use if the use is identified as an Acceptable, Existing or Interim Land Use in the Waterfront Land Use Plan adopted by the Port Commission.

(b) Conditional Uses shall include any use which is listed in the Code as a conditional use in the district established by Section 201 applicable to the particular property involved, provided that the use is identified as an Acceptable, Existing or Interim Land Use in the Waterfront Land Use Plan adopted by the Port Commission. The specific use or uses requiring a conditional use within a project, and not the project in its entirety, shall be subject to the provisions set forth in Section 303 and Article 3.5 of this Code and subsection (d), below.

(c) Any use involving (1) new construction or (2) substantial exterior alterations visible from the street or other major public site, excluding minor changes including but not limited to

maintenance, alterations and repairs involving replacing features with similar features or adding similar features; restoration of pre-existing conditions; and signs, awnings or canopies, other than those described in Subsection (((a))) b(1) of this section, which is listed in this Code as a permitted use or conditional use in the use district established by Section 201 applicable to the particular property involved, shall be subject to ((permitted only upon approval by the City Planning Commission as a conditional use under Section 303 of this Code.)) review of the urban design of the proposed use by the Waterfront Design Review Process, as provided under Section 240(c) of this Code.

(d) In considering any application in this special use district under Section 303, the City Planning Commission shall consider the following criteria in ((addition to those stated)) lieu of the criteria set forth in Section 303(c):

(1) That such use or feature as proposed is, on balance, consistent with the Waterfront Land Use Plan (WLUP) adopted by the Port Commission, including any amendments thereto which the Planning Commission has found to be consistent with the General Plan;

(2) That such use or feature as proposed is, on balance, consistent with the WLUP Waterfront Design and Access goals, policies and criteria adopted by the Port Commission, including any amendments thereto which the Planning Commission has found to be consistent with the General Plan;

((1))(3) Provision to the extent feasible, along the sea wall and along the perimeters of piers or platforms, of public access and of open spaces available for public use and suitable for viewing purposes or water-oriented recreation;

((2))(4) Limitation of water coverage in the Northern Waterfront area from the Hyde Street Pier to Pier 46 so as not to exceed the degree of coverage by piers as existing at the effective date of this section;

((3))(5) Construction of new piers or platforms so that the water's edge shall be maintained at the sea wall where feasible;

((4))(6) Provision or maintenance of view corridors along streets into the Bay, and of panoramic views, in accordance with the view policies of the Northeastern Waterfront Plan, a part of the General ((Master)) Plan; and

((5))(7) Development over the water generally on piers or platforms rather than on fill.

((c))(e) Off-street parking requirements may be modified by the Planning Department and City Planning Commission, as provided in Section 161(f) of this Code.

((d))(f) The basic floor area ratio limit shall be 5.0 to 1 to the extent provided in Section 124(e) of this Code. To calculate the floor area ratio on piers under the jurisdiction of the Port Commission, all building permit applications shall include a map of the lot or lease area with precise boundaries showing its location on the pier under consideration. The proposed lot shall be reviewed and approved as part of the building permit and be the basis for further alterations or expansions of the structure.

SEC. 240.2. ((NORTHERN)) WATERFRONT SPECIAL USE DISTRICT NO. 2.

The following provisions shall apply within ((Northern)) Waterfront Special Use District No. 2.

(a) Industrial, commercial and other operations directly related to the conduct of waterborne commerce or navigation shall be permitted as principal uses, except in Residential Zoning Districts.

(b) A hotel or motel, if otherwise listed in this Code as a permitted use, shall be permitted only upon approval by the City Planning Commission as a conditional use under Section 303 of this Code.

(c) An automobile service station, if otherwise listed in this Code as a permitted use, shall be permitted only upon approval by the City Planning Commission as a conditional use under Section 303 of this Code.

(d) Any building or use which provides a greater number of off-street parking spaces than required under Section 151 of this Code shall be permitted only upon approval by the City Planning Commission as a conditional use under Section 303 of this Code; provided, however, that this Subsection shall not apply in any case where fewer than 10 such spaces are provided.

(e) Any use, whether principal or accessory, not screened from view from adjacent streets and other public areas, with the exception of accessory off-street parking areas for nine or fewer automobiles, shall be permitted only upon approval by the City Planning Commission as a conditional use under Section 303 of this Code.

(f) The basic floor area ratio limit shall be 5.0 to 1 to the extent provided in Section 124(e) of this Code. (Amended by Ord. 443-78, App. 10/6/78)

SEC. 240.3. ((NORTHERN)) WATERFRONT SPECIAL USE DISTRICT NO. 3. The following provisions shall apply within ((Northern)) Waterfront Special Use District No. 3:

(a) Industrial, commercial and other operations directly related to the conduct of waterborne commerce or navigation shall be permitted as principal uses.

(b) A wholesale establishment conducted entirely within an enclosed building shall be permitted as a principal use.

(c) Any development on property not under the jurisdiction of the Port Commission which includes an area (excluding the area of public streets and alleys) of at least three acres shall be permitted only upon approval by the City Planning Commission according to the procedures for conditional use approval in Section 303 of this Code. In considering any application for such a development under Section 303, the City Planning Commission shall consider the following criteria in addition to those stated in Section 303(c):

(1) Conformance to ((The Plan for)) the Northeastern Waterfront Plan, a part of the ((Master)) General Plan, including streets and roadways as indicated therein;

(2) Assurance of a general profile for development having higher portions near Telegraph Hill or other inland areas and lower portions near The Embarcadero;

(3) Assurance of view corridors along public streets between Telegraph Hill or other inland areas and the waterfront and Bay;

(4) Provision of open spaces available to the public; and

(5) Adherence to ((a character of small-scale development, in keeping with)) the character of ((nearby)) surrounding areas of the city.

(d) Any new development on property under the jurisdiction of the Port Commission, (excluding alterations to existing development) which includes an area (excluding the area of public streets and alleys) of at least one half (1/2) acre shall be subject to review of the urban design of the proposed use by the Waterfront Design Review Process, as provided under Section 240(c) of this Code.

(e) In considering any application for development on property under the jurisdiction of the Port Commission on which a specific use or uses require a conditional use, the specific use or uses requiring a conditional use within a project, and not the project in its entirety, shall be subject to the provisions set forth in Section 303 and Article 3.5 of this Code. The City Planning Commission shall consider the following criteria in lieu of those stated in Section 303(c):

(1) That such use or feature as proposed is, on balance, consistent with the Waterfront Land Use Plan (WLUP) and its WLUP Waterfront Design and Access goals, policies and criteria, adopted by the Port Commission, including any amendments thereto which the Planning Commission has found to be consistent with the General Plan.

(2) Assurance of a general profile for development having higher portions near Telegraph Hill or other inland areas and lower portions near The Embarcadero;

(4) Assurance of view corridors along public streets between Telegraph Hill or other inland areas and the waterfront and Bay, in accordance with the view policies of the Northeastern Waterfront Plan, a part of the General Plan;

(5) Provision of open spaces available to the public consistent with the Waterfront Design and Access goals, policies and criteria; and

(6) Adherence to the character of surrounding areas of the city.

((d))(f) A hotel or motel, if otherwise listed in this Code as a permitted use, shall be permitted only upon approval by the City Planning Commission as a conditional use under Section 303 of this Code.

((e))(g) An automobile service station, if otherwise listed in this Code as a permitted use, shall be permitted only upon approval by the City Planning Commission as a conditional use under Section 303 of this Code.

((f))(h) Any building or use which provides a greater number of off-street parking spaces than required under Section 151 of this Code shall be permitted only upon approval by the City Planning Commission as a conditional use under Section 303 of this Code; provided, however, that this Subsection shall not apply (1) in any case where fewer than 10 such spaces are provided, or (2) for property under the jurisdiction of the Port Commission, to the extent such off-street parking spaces existed as of the effective date of this subsection.

((g))(i) Any use, whether principal or accessory, not screened from view from adjacent streets and other public areas, with the exception of accessory off-street parking areas for nine or fewer automobiles or off-street parking areas on property under the jurisdiction of the Port Commission in existence as of the effective date of this subsection, shall be permitted only upon approval by the City Planning Commission as a conditional use under Section 303 of this Code.

((h))(j) The basic floor area ratio limit shall be 5.0 to 1 to the extent provided in Section 124(e) of this Code.

(k) Off-street parking requirements may be modified by the Planning Department and Planning Commission, as provided in Section 161(f) of this Code.

SEC. 263. HEIGHT LIMITS: SPECIAL EXCEPTIONS. In the height and bulk districts indicated in the following Sections, buildings and structures exceeding the prescribed height limits may be approved by the City Planning Commission according to the procedures for conditional use approval in Section 303 of this Code; provided, however, that such exceptions may be permitted only in the areas specified and only to the extent stated in each Section.

SEC. 263.2. SPECIAL EXCEPTIONS: NORTH OF FERRY BUILDING. (a) In the 84-X-1 Height and Bulk District as designated on Sectional Map No. 1H of the Zoning Map, height exceptions may be approved by the City Planning Commission in appropriate cases as provided herein. The purpose of providing for such exceptions is to encourage greater flexibility in project design and a gradual stepping down of the height of buildings from The Embarcadero toward the Bay. As used in this section, a "project area" shall be defined as the area between the north or east curbline of The Embarcadero (generally 60 feet inland from the waterfront line) and the Pier Head Line, with boundaries as set by the Port Commission in any agreement entered into with a developer.

(b) Such height exceptions may be permitted, provided that:

(1) The height of the building or structure so approved by the City Planning Commission shall not exceed 125 feet; and

(2) Within this 125-foot maximum, there shall be a limitation on permitted building volume located above the basic height limit of 84 feet, calculated as the product of 41 feet (the difference between 125 feet and 84 feet) and 15 percent of the project area. For purposes of the foregoing calculation only, the project area may include part or all of the adjacent 65-D-1 Height and Bulk District as well as part or all of the 84-X-1 Height and Bulk District.

(c) In acting upon any application under this Section, the City Planning Commission shall consider the following criteria in addition to those stated in Section 303(c):

(1) The development criteria for the ((Northern)) Waterfront Special Use District No. 1, as set forth in Section 240.1; and

(2) The siting of buildings or structures so that higher elements are located nearest The Embarcadero and lower elements outward from the Embarcadero toward the Bay, with a gradual stepping down in height.

(d) No exception from the height limit shall be permitted in the 65-D-1 Height and Bulk District.

SEC. 263.3. SPECIAL EXCEPTIONS: SOUTH OF FERRY BUILDING. (a) In the 84-X-2 Height and Bulk District as designated on Sectional Map No. 1H of the Zoning Map, height exceptions may be approved by the City Planning Commission in appropriate cases as provided herein. The purpose of providing for such exceptions is to encourage greater flexibility in project design. As used in this Section, a "project area" shall be defined as the area between the north or east curb line of The Embarcadero (generally 60 feet inland from the waterfront line) and the Pier Head Line with boundaries as set by the Port Commission in any agreement entered into with a developer.

(b) Such height exceptions may be permitted, provided that:

(1) The height of the building or structure so approved by the City Planning Commission shall not exceed 175 feet; and

(2) Within this 175-foot maximum, there shall be a limitation on permitted building volume located above the basic height limit of 84 feet, calculated as the product of 91 feet (the difference between 175 feet and 84 feet) and 10 percent of the project area.

(c) In acting upon any application under this Section, the City Planning Commission shall consider the following criteria in addition to those stated in Section 303(c):

(1) The development criteria for the ((Northern)) Waterfront Special Use District No. 1 as set forth in Section 240.1; and

(2) The siting of buildings or structures so that higher elements are located nearest The Embarcadero and lower elements outward from The Embarcadero toward the Bay, with a gradual stepping down in height.

Section 2. Pursuant to Resolution of the Board of Supervisors, adopting the Waterfront Land Use Plan Final Environmental Impact Report, and pursuant to Section 302(c) of the Planning Code, Part II, Chapter II of the San Francisco Municipal Code, the following amendment to the Planning Code duly approved by Resolution No. ____ of the Planning Commission is hereby adopted as a new Section 227(s) in the Planning Code of the City and County of San Francisco.

SEC. 227(s) Waterborne commerce, navigation, fisheries and recreation, and industrial, commercial and other operations directly related to the conduct of waterborne commerce, navigation, fisheries or recreation on property subject to the public trust.

Such uses are proposed to be principal permitted uses (P) in M-1 and M-2 districts

Section 3. Pursuant to Section 101.1 of the Planning Code, this Board of Supervisors adopts Planning Commission Resolution No. _____ approving findings related to the Eight Priority Policies of Section 101.1 of the Planning Code.

APPROVED AS TO FORM:
LOUISE RENNE, CITY ATTORNEY

By _____
Noreen Ambrose
Deputy City Attorney

RECOMMENDED:
PLANNING COMMISSION

By _____
Gerald G. Green
Director of Planning

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ATTACHMENT C-1

[Waterfront Zoning Map Amendments]

AMENDING PART II, CHAPTER II OF THE SAN FRANCISCO MUNICIPAL CODE (CITY PLANNING CODE) BY AMENDING THE ZONING MAP OF THE CITY AND COUNTY OF SAN FRANCISCO TO RECLASSIFY PROPERTY LOCATED ON THE WEST SIDE OF THE EMBARCADERO BETWEEN JEFFERSON AND BAY STREETS, ALL OF ASSESSOR'S BLOCKS 15, 16, 17 AND 35, FROM THE NORTHERN WATERFRONT SPECIAL USE DISTRICT NUMBER 1 TO WATERFRONT SPECIAL USE DISTRICT NUMBER 3; TO ADD PROPERTY ON THE WEST SIDE OF THE EMBARCADERO BETWEEN HARRISON AND BERRY STREETS, ALL OF ASSESSOR'S BLOCKS 3770, 3771, 3790, 3792 AND 3801, AND LOT 1 IN ASSESSOR'S BLOCK 3769, TO WATERFRONT SPECIAL USE DISTRICT NUMBER 3; AND TO ADD PROPERTY ON THE EAST SIDE OF THE EMBARCADERO FROM PIER 26 TO CHINA BASIN, A PORTION OF ASSESSOR'S BLOCK 9900, TO WATERFRONT SPECIAL USE DISTRICT NUMBER 1, ALL AS GENERALLY SHOWN ON THE MAPS ATTACHED AS EXHIBITS A AND B.

Be it ordained by the People of the City and County of San Francisco:

Section 1. Pursuant to Resolution of the Board of Supervisors, adopting the Waterfront Land Use Plan Final Environmental Impact Report, and pursuant to Section 302(c) of the Planning Code, Part II, Chapter II of the San Francisco Municipal Code, the following amendments to the Zoning Map duly approved by Resolution No. ____ of the Planning Commission, with boundaries as shown on the map on file with the Clerk of the Board of Supervisors under File No. _____ and as generally shown in Exhibit A, attached hereto, are hereby adopted as amendments to Sectional Map No. 1 SU of the Zoning Map of the City and County of San Francisco.

Description of Property	Special Use District To Be Superceded	Special Use District Hereby Approved
West side of The Embarcadero between Jefferson and Bay Streets, all of Assessor's Blocks 15, 16, 17 and 35	Northern Waterfront Special Use District Number 1	Waterfront Special Use District Number 3
West side of The Embarcadero between Harrison and Berry Streets, all of Assessor's Blocks 3770, 3771, 3790, 3792 and 3801, and Lot 1 in Assessor's Block 3769	N/A	Waterfront Special Use District Number 3

Section 2. Pursuant to Section 101.1 of the Planning Code, this Board of Supervisors adopts the finding contained in Planning Commission Resolution No. _____ approving findings related to the Eight Priority Policies of Section 101.1 of the Planning Code.

APPROVED AS TO FORM:
LOUISE RENNE, CITY ATTORNEY

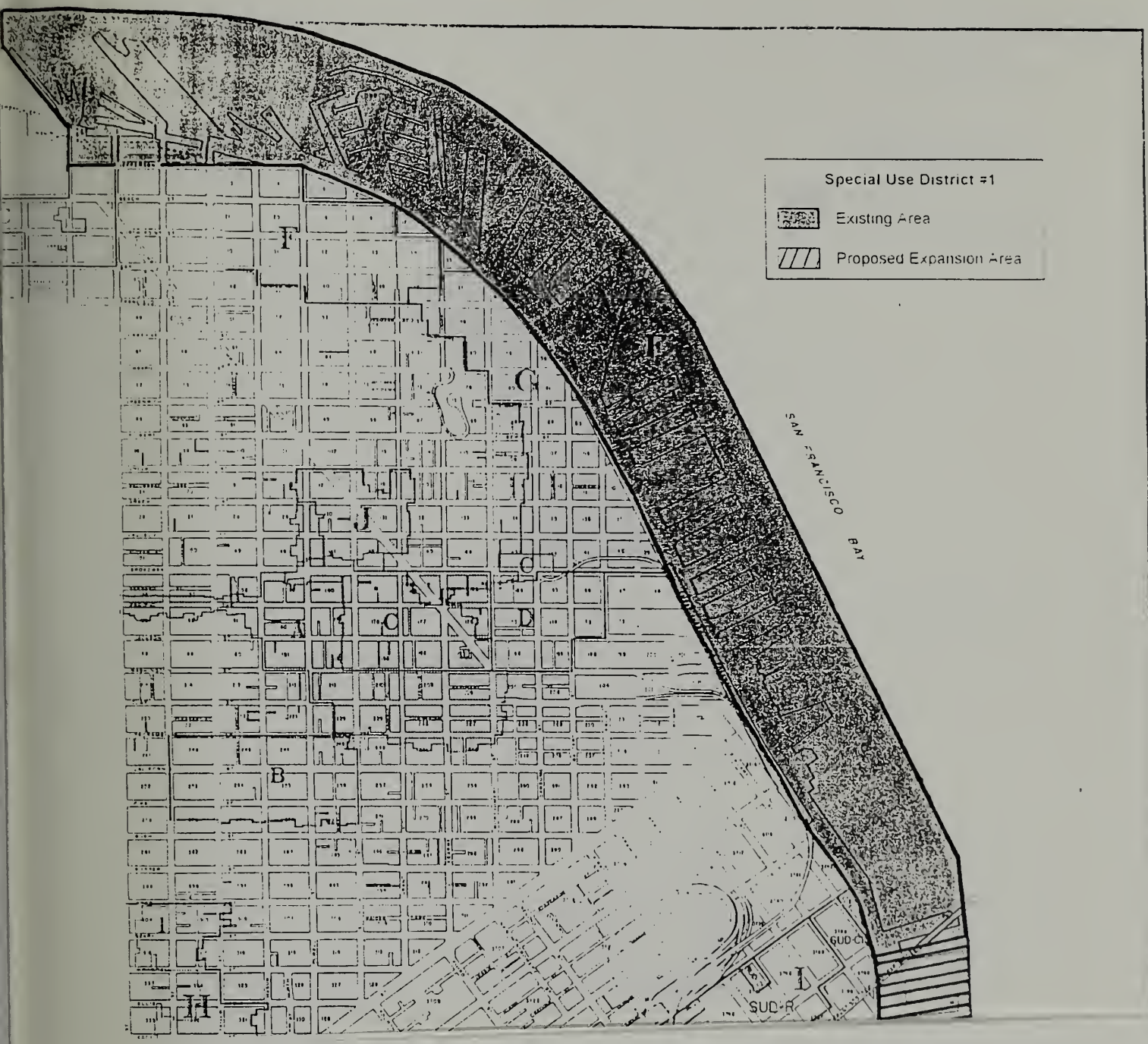
By _____
Noreen Ambrose
Deputy City Attorney

RECOMMENDED:
PLANNING COMMISSION

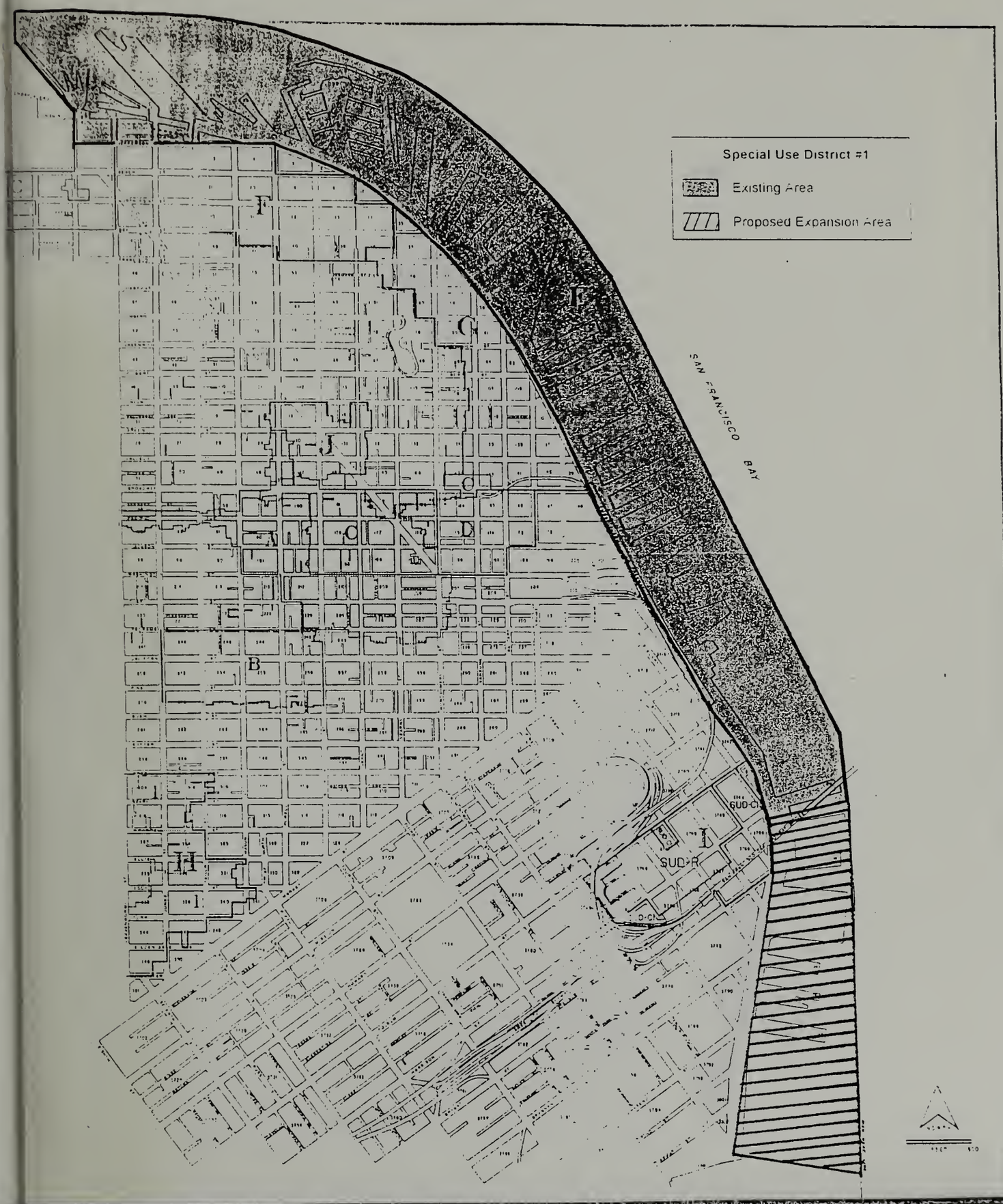
By _____
Gerald G. Green
Director of Planning

I:\WLCP\ORDMAP.WPD

Attachment C-2



Attachment C-2



SPECIAL USE DISTRICTS

SAN FRANCISCO MUNICIPAL CODE
PART II, CHAPTER II
SEC. 990

A GARMENT SHOP S.U.D. (Sec 236) OVERLAP WITH **C** IN BLKS 159-163, 176-179, 192-195; WITH **D** IN BLKS 163 & 176; WITH **J** IN BLKS 129, 130, 147, & 148.

B NOB HILL S.U.D. (Sec. 238)

C WASHINGTON-BROADWAY S.U.D. #1 (Sec 239)

D WASHINGTON-BROADWAY S.U.D. #2 (Sec 239)

E NORTHERN WATERFRONT S.U.D. #1 (Sec 240, 240.1)

F NORTHERN WATERFRONT S.U.D. #2 (Sec 240, 240.2)

G NORTHERN WATERFRONT S.U.D. #3 (Sec. 240, 240.3)

H NORTH OF MARKET RES. S.U.D. (Sec. 249.5)

H C-3-O(SD) AREA #1 & 2 (Sec. 249.5(c)(4))

I UNION HILL RES S.U.D (Sec 249.1)

C-3-O AREA B (Sec. 249.1(c))

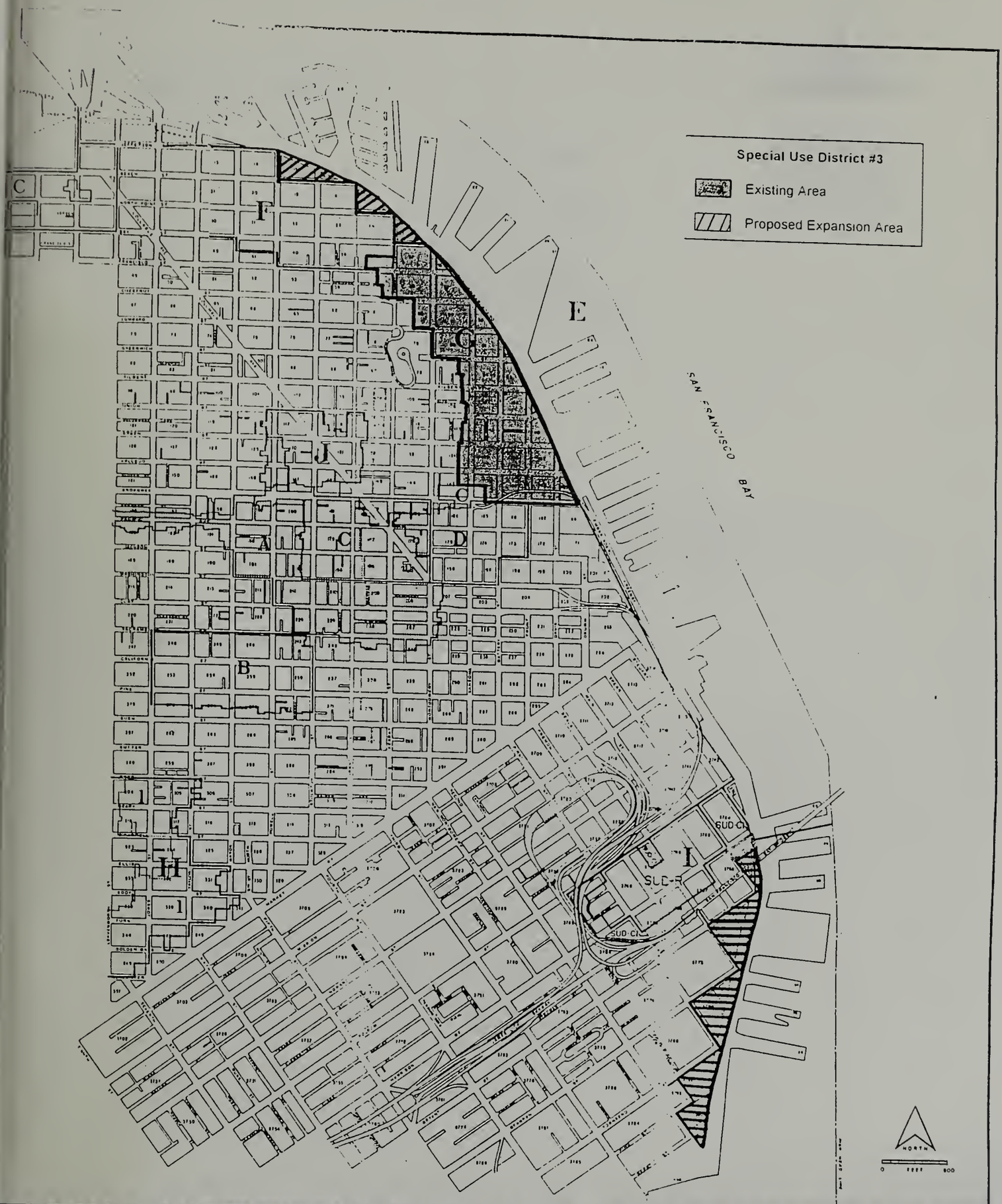
C-3-O AREA C (Sec. 249.1(d))

J NORTH BEACH FINANCIAL SERVICES S.U.D (Sec 722.49, 780.3)

SU

ZONING MAP OF THE CITY AND COUNTY OF SAN FRANCISCO

Attachment C-3



SPECIAL USE DISTRICTS

SAN FRANCISCO MUNICIPAL CODE
PART II, CHAPTER II
JUNE 1990

1SU

A GARMENT SHOP S.U.D. (Sec. 236) OVERLAP WITH **C** IN BLKS 159-163, 176-179, 192-195; WITH **D** IN BLKS 163 & 176; WITH **J** IN BLKS 129, 130, 147, & 148.

B NOB HILL S.U.D. (Sec. 238)

C WASHINGTON-BROADWAY S.U.D. #1 (Sec. 239)
D WASHINGTON-BROADWAY S.U.D. #2 (Sec. 239)
E NORTHERN WATERFRONT S.U.D. #1 (Sec. 240, 240.1)
F NORTHERN WATERFRONT S.U.D. #2 (Sec. 240, 240.2)
G NORTHERN WATERFRONT S.U.D. #3 (Sec. 240, 240.3)
H NORTH OF MARKET RES. S.U.D. (Sec. 249.5)

H SUB-AREA #1 & 2 (Sec. 249.5(c)4))
I RINCON HILL RES. S.U.D. (Sec. 249.1)
SUB-AREA R ((Sec. 249.1(c))
SUB-AREA C1 ((Sec. 249.1(d))
J NORTH BEACH FINANCIAL SERVICES R.U.S.D. (Sec. 722.49, 780.3)

ZONING MAP OF THE CITY AND COUNTY OF SAN FRANCISCO

PORT OF SAN FRANCISCO

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Writer

MEMORANDUM

September 17, 1997

TO: MEMBERS, PORT COMMISSION
Hon. Michael Hardeman, President
Hon. Denise McCarthy, Vice President
Hon. Frankie G. Lee
Hon. James Herman
Hon. Kimberly Brandon

FROM: Douglas F. Wong
Executive Director

SUBJECT: Authorization to request a Supplemental Appropriation for $2,000,000 to fund a portion of the cost of repair to the marginal wharves from Pier 1-½ to Pier 5 in order to accommodate the new promenade for the Mid Embarcadero Roadway Project.

DIRECTOR'S RECOMMENDATION: Approve Resolution.

Introduction

During the design process of the Mid Embarcadero Roadway Project the Department of Public Works ("DPW") hired GKO Engineering Consultants to survey the condition of the marginal wharf. Their report recommends that the marginal wharves from Pier 1-½ to Pier 5 be repaired up to the first bent (the first row of pilings). The repair is needed to strengthen the substructure of the bulkhead buildings and to accommodate the new sidewalk paving for the Mid Embarcadero Roadway Project. If the marginal wharf is not repaired, the Port could ultimately be forced to condemn the bulkhead buildings. This would result in an annual loss of Port revenue in the amount of $251,950.

The schedule for the Mid Embarcadero Roadway Project is for DPW to advertise for construction bids in the fall and begin construction in early 1998. Funding will need to be committed to the marginal wharf project in order for DPW to include this work in the construction contract.

The Project

Piers 1-½ to 5 were constructed between 1916 and 1919. The marginal wharves consist of reinforced concrete beams and decking supported by reinforced concrete piles. Tidal

action and salt water have caused the concrete on the decking and beams to deteriorate. The beam deterioration exposes the reinforcing steel, resulting in significant loss of structural strength needed to support the bulkhead buildings. This project will repair the deteriorated structure.

The repair process requires extensive temporary shoring to prevent collapse of adjoining structures during construction. The estimated cost of shoring is $20,000 per column, for a total of 60 columns, or $1,200,000.

The total estimated cost of the repair is $3.5 million. The Mid Embarcadero Roadway Project will fund the repair of the beams and decking, estimated to cost $1.5 million, using Embarcadero Roadway ("ER") funds. The use of ER funds is subject to Federal Highway Administration and Caltrans approval. ER funds cannot be used for shoring or tenant relocation costs. This leaves a balance of $2 million needed to complete the repair. Costs of the project are broken down as follows:

Repair of the beams and decking	$1,500,000
Shoring (60 columns @$20,000 ea.)	1,200,000
Tenant relocation and architectural finishes	800,000
Total Cost	$3,500,000

The Port and DPW, together with a shoring consultant, Sheedy & Co., provided the shoring estimate. The estimated cost of tenant relocation and architectural finishes was provided by the Port's Engineering staff.

Project Funding

The Port requires approval of a supplemental appropriation to fund the $2 million cost of the shoring and tenant relocation costs. The proposed source of funding for this work is the Port's operating surplus that was previously appropriated for earthquake repairs. In 1991 the Port appropriated $6,374,971 to cover the anticipated shortfall necessary to fund the difference between the estimated costs of repairs related to the Loma Prieta earthquake, and the estimated amount to be received by FEMA and OES. The Port has been successful in obtaining additional DSR's from FEMA to cover some of the costs of these repairs. To date, the Port has expended $95,002 of the original appropriation. The Port's engineering staff estimates that at least an additional $809,119 will be needed to complete three more projects, for a total of $904,121. While this amount may increase, it is not anticipated to exceed $4 million. The three projects still under construction are the Ferry Building, Ferry Plaza/Piers 27-29, and Pier 48. At this time, Port staff does not anticipate needing the full $6,374,971 currently appropriated for earthquake repairs. Therefore, the Port requests approval to reappropriate $2,000,000 from the earthquake repair appropriation for the Marginal Wharf Repair Project.

Prepared by: Ben Kutnick, Director Finance & Administration

PORT COMMISSION
CITY AND COUNTY OF SAN FRANCISCO

RESOLUTION NO. 97-79

WHEREAS, During the design phase of the Mid Embarcadero Roadway Project, The Port Commission and the Department of Public Works hired an engineering contractor to survey the condition of the marginal wharf; and

WHEREAS, GKO Engineering Consultants prepared the Marginal Wharf Structural Survey and Condition Report which recommends the marginal wharf from Piers 1-½ to 5 to be in poor condition; and

WHEREAS, In order to construct the Mid Embarcadero Roadway promenade, the marginal wharf for Piers 1-½ through 5 need to be repaired up to the first bent; and

WHEREAS, The total cost of the project is estimated to be $3,500,000; and,

WHEREAS, DPW will fund the cost of the repair of the beams and decking; estimated to be $1,500,000; and

WHEREAS, The Port Commission staff estimates that an additional $2,000,000 is needed to fund shoring, tenant relocation costs and architectural finishes; and

WHEREAS, The Port Commission has appropriated $6,374,971 to fund earthquake repairs; and

WHEREAS, The Port Commission staff does not anticipate needing the full $6,374,971 appropriation for earthquake repair; now therefore be it

RESOLVED That the Port Commission seek a supplemental appropriation to reappropriate $2,000,000 from the earthquake repair fund in order to fund the marginal wharf repair for Piers 1-½ to 5.

I hereby certify that the foregoing resolution was adopted by the San Francisco Port Commission at its meeting of September 23, 1997.

_____
Secretary

SAN FRANCISCO
PORT COMMISSION

SEPTEMBER 23, 1997
MINUTES OF THE MEETING

DOCUMENTS DEPT.

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HON. MICHAEL HARDEMAN, PRESIDENT
HON. DENISE McCARTHY, VICE PRESIDENT
HON. FRANKIE G. LEE
HON. JAMES HERMAN
HON. KIMBERLY BRANDON

DOUGLAS F. WONG, EXECUTIVE DIRECTOR

CITY & COUNTY OF SAN FRANCISCO
PORT COMMISSION

MINUTES OF THE REGULAR MEETING
SEPTEMBER 23, 1997

1. ROLL CALL

The meeting was called to order by Commission President Michael Hardeman at 4:08 p.m. The following Commissioners were present: Michael Hardeman, Denise McCarthy, Frankie Lee, James Herman & Kimberly Brandon.

2. APPROVAL OF MINUTES - September 9, 1997 Regular Meeting

ACTION: Commissioner Herman moved approval; Commissioner Lee seconded the motion. All of the Commissioners were in favor; the minutes of the meeting were adopted.

3. EXECUTIVE

A. Executive Director's Report:

1) Mr. Wong thanked members of the Fisherman's Wharf committee for attending today's meeting. He mentioned about the lighting ceremony at Fisherman's Wharf last week. The project received a tremendous response from the Fisherman's Wharf community. The lights looked fabulous and encouraged the Commission to visit the area.

2) The Giants ballpark project was unanimously approved by BCDC at their last week's meeting. This is the final clearance before construction commences next month. The Port also received Board of Supervisors' approval for the Giants ballpark parking.

3) He introduced Renee Dunn who will be responsible for marketing and public relations for the Port. Ms. Dunn has an extensive background in public relations. She was employed at Levi-Strauss, Sprint Communications and recently had her own firm, Dunn and Associates. He welcomed Ms. Dunn to the Port.

Commissioner Hardeman remarked that he, too, attended the lighting ceremony and wanted to ensure that Mr. Al Baccari was acknowledged for doing an outstanding job. Mr. Baccari took the lead and applied all the pressures to ensure that everything was accomplished. The lights came on very slow but once they were all on, they were beautiful. He thanked Mr. Baccari for the good work he's done.

4. MARITIME

5. REAL ESTATE AND ASSET MANAGEMENT

A. Authorization to rescind Port Commission Resolution 94-20 and authorization to terminate the use permit issued to Waterfront Carriage Service, Inc. (Resolution No. 97-82) **THIS ITEM WAS CONTINUED TO THE NEXT MEETING**

6. FACILITIES & OPERATIONS

A. Briefing and Public Hearing on Accomplishments of the Fisherman's Wharf Environmental Quality Advisory Committee.

Ms. Roberta Jones, Environmental & Health Safety Manager, reported that the Port established the Fisherman's Wharf Environmental Quality Advisory Committee (EQAC) more than a year ago to address business and community concerns about the quality of the environment at Fisherman's Wharf. The EQAC is a very diverse committee of people interested in and dedicated to the improvement of the environment at Fisherman's Wharf. It was a privilege for her to chair the committee over the past year while they wrestled with some of the difficult problems impacting environmental quality at Fisherman's Wharf and sought workable solutions to the problems. The EQAC members have not always agreed on all points and have had a number of spirited debates about several issues. However, they have found much to agree on, and building on that consensus, the EQAC has made significant progress in defining the environmental problems at the wharf. They have begun to put those ideas into action in the form of new programs and policies and the EQAC members felt that it was appropriate to brief the Commission on the committee's progress.

1) New Assistant Harbormaster. Due in large part to the recommendation of the EQAC, the Port was finally able to hire a new assistant harbormaster at Fisherman's Wharf to assist the existing harbormaster, the extremely dedicated John Davey. With the addition of a second harbormaster, the Port now has a seven-day-a-week presence at the wharf. The extended coverage has already had a significant positive effect on the condition of the wharf.

2) Vessel Lease Agreement and Tariff. She mentioned that Kirk Bennett would be presenting this item in detail. She acknowledged that Bob Miller of the Crabboat Owners Association was very instrumental in helping the Port develop policies that were sensitive to the fishing community but also tough on environmental quality issues.

3) Storm Water Drainage Policy. The EQAC has identified non-point source pollution such as runoff from parking lots and public areas as a major source of pollution at the wharf and is developing a storm water drainage policy. This policy will be presented to the Commission at a later date.

4) Signage/Educational Program. The EQAC has begun to develop an educational signage program designed to improve housekeeping measures at the wharf and discourage harmful practices. They plan to integrate this signage program with other signage programs now under development for the area. The EQAC will

present this program to the Commission once it has been fully developed.

Ms. Jones emphasized that the members of the EQAC have worked very hard and should be commended for their contribution to the health and well-being of the waterfront. She thanked all the committee members for their work.

Commissioner McCarthy inquired about the location of the runoff problems in the storm drainage areas. Ms. Jones replied that there are issues with some of the parking areas located on actual piers, the wash down of areas used commercially by fish processors, and general public access areas where spilled trash are getting washed directly into the bay. They are, however, focusing on the geographic area around Fisherman's Wharf.

Commissioner McCarthy inquired about other ways of communicating the educational program. Ms. Jones replied that they are evaluating the best way of communicating to different communities. They are looking at signage, flyers and community workshops. Commissioner McCarthy suggested that people from the Telegraph Hill and North Beach area might be interested in attending the community meetings.

Mr. Tom Creedon indicated that we live in a beautiful City and would like to keep it beautiful. Going back over the years with the Citizens Advisory Committee wherein Commissioner McCarthy was also a member, they worked towards enhancing and setting rules under which Fisherman's Wharf would be regulated. They were unsuccessful and had met opposition. Together with the former Executive Director Dennis Bouey, they met with the swim club and realized that they shared common goals. Dennis Bouey agreed to establish this committee, representing the swim clubs, restaurants and fishing industry. He thanked the Commission for allowing this committee to exist and hoped that the Commission will like what they present.

Mr. Al Baccari, Fisherman's Wharf Association, indicated that he is delighted and excited to be a member of this committee. This is a day of rejoicing and should be one for the Commission as well. What they have done is to take a new look at the tip of the Peninsula of San Francisco and see the importance of preserving things, starting with the water. It inspired them to also look at other areas where there should be cleanliness and importance. This committee was established and now serves as a mirror so not only can they see themselves but the entire Fisherman's Wharf. He assured Commissioner McCarthy that North Beach and Telegraph Hill residents are aware of this committee because they are participants as well. He believed that, in the future, the Commission would realize the value of this committee as they have, so far, made a lot of accomplishments. He noted that a renaissance is taking place and this is evidenced by the construction of the F-Line to Fisherman's Wharf. He applauded the current Executive Director who ensures that staff is on top of things so that there are no problems with the construction. In addition to the F-line project, a beautiful new fishing harbor will embrace the East Side of Hyde Street. He indicated that this would have never been accomplished without the thoughts that were echoed by the EQAC. He commended Roberta Jones for doing a yeoman's job. He welcomed Renee Dunn and noted that they will take advantage of her talent. He thanked Kirk

Bennett who always attends their meetings and assists them with their problems. He applauded the current Executive Director who brings a breath of fresh air and a new awareness. He noted that he will return in case he has to say the opposite. He also thanked Commissioner Hardeman who has never failed to attend the functions. He also thanked Commissioner Herman. He also thanked Commissioner McCarthy for making the wharf her turf, realizing the dollars that it generates. He hopes to get to know the other commissioners. He made the Commission aware of the clean-up program that is under the direction of Alex Lee. They were able to get 155 garbage cans throughout the wharf. He was grateful to Elliott Riley's & John Davey's work. He hopes that the Commission recognizes staff's talent and continues to permit them to be creative. He thanked the Commission for having established the EQAC.

Timothy Przygocki indicated that he was delighted to be a member of the committee. Jeanette Caito, Caito Fisheries, concurred with Mr. Creedon's and Mr. Baccari's comments. She remarked that we have one of the best fishing facilities in the West Coast.

Barney Popkin indicated that he recently joined the committee and has been working with Roberta Jones and Carol Bach to find funding sources for some of the ideas that the committee has come up with. His background is in hazardous waste, solid waste management, and pollution prevention.

Meg Reilly, Dolphin Club, indicated that the Commission would set direction today in approving lease and tariff changes, which recognize the importance of environmental quality in Fisherman's Wharf and Aquatic Park. She applauded this direction and hoped it continues. She noted that the people in this room would shape the future of the Fisherman's Wharf and Aquatic Park. The people in this room will shape the future of those places by their actions and inactions. The people in this room are the stewards of Fisherman's Wharf and Aquatic Park. The people in this room who comprise the committee saw a need and began a dialog. They learned that they share a common concern i.e. Fisherman's Wharf and Aquatic Park are at risk. These are jewels of local, national and international importance and they are at risk. They also share common beliefs that solutions exist within risk. Fisherman's Wharf and Aquatic Park suffer from neglect and should be better cared for. The stewards need to improve current conditions.

In 1996, a few of the people in the room share their thoughts with Port management. Wisely, the Port took the lead and now chairs the EQAC. She spoke in support of the matters presented today. These are the first important steps. She asked support from the Commission for going forward. She asked the Commission to empower Port staff as stewards and encourage staff to seek creative solutions and ask staff to break old molds. She asked the Commission to encourage staff to work collaboratively with each other and with the people in this room. She asked the Commission to clearly identify environmental quality in Fisherman's Wharf and Aquatic Park as a valuable asset. She asked that improved stewardship of environmental quality be added to the measuring stick of staff performance. The people in this room will shape the future of Fisherman's Wharf and Aquatic Park. She congratulated everyone on this first and

important step.

Commissioner Hardeman thanked the committee for their comments and for all their hard work. Commissioner Lee commented that he enjoyed the committee's positive comments and it made his day.

With the Commission's approval, Item 6C was taken out of order and heard first.

C. Approval of Port Standard Berthing Agreement and Amendments to the Port Terminal Tariff, FMC No. 4. (Resolution No. 97-81)

Kirk Bennett, Sr. Property Manager, indicated that in recent years, the Port has undertaken a number of steps to improve the management and stewardship of the Fisherman's Wharf Harbor. In 1992, a wharfinger was assigned full time to Fisherman's Wharf. In 1993, an oil-recycling program was established. In 1994, a permanent harbor office was created. In 1995, a harbormaster was established and filled. This year, an assistant harbormaster position was established and filled. The next important step is updating the berthing agreement and Tariff No. 4. As discussed by Roberta Jones, addressing the concerns of the Fisherman's Wharf EQAC was a critical part of the modifications to these documents. These documents were reviewed by the EQAC. The exact language reflects a review that was made of similar documents used at other harbors. It also involved intensive work by a subcommittee formed by the EQAC, comprised of Neil Sekhri, City Attorney, Bob Miller, John Davey and Mr. Bennett. The final document has been reviewed by EQAC and was also made available to all the berthholders. The following is a summary of significant provisions of the Agreement:

(1) Provision for better utilization of the harbor berthing by the fishing industry.
(2) Provision for better enforcement of the obligations under the lease.
(3) It was clarified that liability insurance is not required by commercial fishing boat however, the Port is requiring and increasing the amount of liability insurance required by those fishing boats which carry passengers for hire.
(4) The indemnity clause was rewritten to be consistent with the City's standard and it excludes actions caused solely by the willful misconduct of the Port or the City.
(5) The agreement includes standard City requirements such as Non-Discrimination/Equal Benefits.
(6) An obligation clearly states to comply with all the rules and regulations, specifically acknowledging the Port Tariff No. 4.

The following is a summary of the proposed amendments to Tariff No. 4:

(1) Item No. 800 establishes the authority of the harbormaster of the Fisherman's Wharf. The harbormaster is granted the authority to carry out the duties of the chief wharfinger at Fisherman's Wharf Harbor. The chief wharfinger will carry out the duties outside of Fisherman's Wharf Harbor.

(2) Items No. 830 and 834 refines the berth assignment requirements and procedures.

It clarifies the waiting list procedures.

(3) Items No. 839 through 855 establishes the rules addressing the water quality issues. It amends the existing tariff items to strengthen the rules relating to water quality.

(4) Item No. 839 has been added to provide that no vessel may be used as a primary or secondary residence (i.e. accommodation in excess of three nights in any 7-day period) other than a commercial fishing vessel actively engaged in commercial fishing during a recognized fishing season.

(5) Item No. 847 has been amended to require any vessel equipped with any toilet, marine head or other permanent receptacle for human body waste to be equipped with an approved holding tank. If the vessel is not equipped with a permanent receptacle, then it must be equipped with an approved temporary storage receptacle. The Port Commission Resolution provides that non-complying vessels will be given an extension of time to comply until six months from the date of the resolution or the date of operation of a new pump-out facility at Fisherman's Wharf. Tariff Item No. 847 currently prohibits the disposal of any type of garbage or sewage into Bay waters.

(6) Item No. 848 restricts the types of repairs and maintenance permitted at berths. No repairs are permitted outside the confines of a vessel without Port's permission and any such approved construction must be containable within the confines of the vessel and must not result in a nuisance to neighboring vessels or the environment.

(7) Item No. 851 requires vessels entering Port jurisdiction to prove demonstrated operability and seaworthiness of vessels and compliance with the rules regarding holding tanks.

(8) Item No. 855 requires berthed vessels to be operable and maintained in seaworthy condition and be capable of preventing discharges of pollutants. The Port may forfeit any vessel not meeting these criteria for a 90-day period given to the vessel owner to cure the vessel's defects.

Mr. Bennett mentioned that the Commission Secretary passed out amendments to the resolution relating to the tariff i.e. to grant authority to the harbormaster to allow vessels longer than they may be allowed to be assigned to a berth if there is no navigational impact. He also noted Item 834 should have been Item 847. He stated that if the Commission approves the amendments to the tariff, they will then be forwarded to the Federal Maritime Commission (FMC) and to the California Association of Port Authorities (CAPA) for approval. Port staff recommends adoption of the resolution, as amended, which would approve a new Port's standard berthing agreement for the Fisherman's Wharf Harbor and amendments to Tariff No. 4.

Commissioner McCarthy congratulated everyone involved and stated that this is a testament of cooperative spirit in action. Commissioner McCarthy inquired if everyone (old & new boats) is going to sign the tariff. Mr. Bennett replied that the tariff is basically a set of rules. As soon as the Commission, FMC and CAPA approve it, it will be the rules for the Fisherman's Wharf Harbor. They are still obligated to comply with the old berthing agreements. With regard to the new berthing agreement, staff intends to have all the existing berthholders sign the berth agreement. The berth agreements are cancelable on a 30-day notice. Port staff intends to have everybody sign and comply with the agreement. Commissioner McCarthy concurred that everybody should sign the agreement.

Commissioner McCarthy inquired if the 24-hour prior notice on changing a berth is standard procedure and that this does not happen unless there is a good reason for it. Mr. Bennett stated that there are instances that do happen. However, it is not the Port's intent to start moving people around. There are situations that often times come up such as construction wherein relocation notifications are sent.

Commissioner McCarthy inquired about the feasibility of implementing Item No. 851. Mr. Bennett indicated that staff is aware that there are some boats in the harbor that are not operational. In an attempt to be objective and fair, Port staff requires all boats to take a simple test, i.e. go around Alcatraz and come back. If they fail the test, they have 90 days to do the repairs.

Commissioner McCarthy asked where the new pump-out station will be located. Mr. Bennett replied that it would be constructed as part of the new Hyde Street Harbor. Commissioner McCarthy asked about the plan for enforcement of the pump-out station. Mr. Bennett replied that since the Port now has a harbormaster and assistant harbormaster, the Fisherman's Wharf Harbor office will be staffed seven days a week and they will be able to enforce the rules and regulations of the harbor. The harbormaster also now has authority to issue citations. The management of the pump-out station will be included as a part of the fuel dock.

Commissioner Lee wanted to ensure that the Port put enough resources on policing enforcement for compliance. Mr. Bennett concurred and added that John Davey and Hedley Prince both have extensive experience in running the harbor. Commissioner Lee indicated that he was impressed with John Davey. Mr. Bennett indicated that he deserves credit and is very committed to the harbor.

Ms. Jones added that Barney Popkin is pursuing funding sources for the pump-out station. If they can secure the funds, they think it would be a good idea to address both the bilge and sewage pump-out issue. Commissioner McCarthy asked about the cost. Ms. Jones estimated that it will cost approximately $25,000-$30,000. The majority of the cost will be labor and hook-up and bringing the sewer line out from Jefferson Street. The actual machine costs approximately $7,000. The location of the pump-out station has been integrated into the Hyde Street Harbor project as part of the fuel dock. Commissioner McCarthy suggested that perhaps the Port can contribute some of the money if

staff is not able to find other sources. Mr. Wong replied that staff will look into this matter.

Doug Paul, owner of a Monterey boat at Fisherman's Wharf, indicated that his boats are completely seaworthy. With regard to the pump-out station and holding tanks, he claims that not one fish boat has a holding tank. He suggested that a law should be passed to require boats to have holding tanks. If this is not accomplished, half of the Montereys will be gone and all the nostalgia at Fisherman's Wharf will also be gone. Commissioner McCarthy inquired about the cost of a holding tank. Mr. Paul replied that a holding tank can cost anywhere between $300-$500 or as high as $1,000.

Commissioner Hardeman asked Mr. Bennett for a cost estimate of the holding tank. Mr. Bennett replied that he does not have the cost estimate available but he clarified that the Port does not want to lose the Montereys. Staff recognizes that this was not a design concept when the Monterey clippers were designed. As an alternative, the Port has allowed the boats to be equipped with a temporary receptacle approved by the Chief Wharfinger. This alternative was discussed with the fishing industry. The Port does not want to prevent some of the historic boats from operating; however, they have to comply with modern environmental sensitivities.

ACTION: Commissioner Lee moved approval, as amended; Commissioner McCarthy seconded the motion. All of the Commissioners were in favor; the resolution was adopted.

B. Authorization to issue a Request for Proposals for as-needed engineering services. (Resolution No. 97-80)

Mr. Cliff Jarrard, Chief Harbor Engineer, indicated that various Port divisions request engineering staff support on a variety of issues including structural evaluation of facilities for leasing or development, civil or electrical engineering designs to accommodate tenants, architectural review for code matters and cost estimates for improvements. These requests exceed the engineering staff resources. To respond to these various projects, Port engineering staff has an ongoing need for outside engineering services on short notice.

Port staff requests approval to issue a Request for Proposals to select one or two engineering firms to provide "as-needed" engineering services. The total contract value will not exceed $300,000 (or $150,000 each if two contracts are awarded). The services requested would include structural, civil and electrical engineering, geotechnical, architectural and construction cost estimating. The contract will be for a two-year period.

Staff will select a consultant through a competitive proposal process and after Commission approval, certify a contract for a minimum amount of $10,000. Work will then be authorized on an as-needed basis. As additional work is needed, staff

will be authorized to issue contract amendments and fund the contract up to a total amount not to exceed $300,000. The consultant(s) will be paid only if work is performed. No assignment will be for an amount greater than $30,000 or require longer than eight weeks to complete.

Commissioner Lee remarked that he strongly supports a contract of this nature. This is popularly used by other government agencies. A normal RFP process is too cumbersome. To improve the Port's flexibility, he made the following comments: (1) instead of specifying a specialty, he suggested adding the phrase "other expertise as required." (2) Do not restrict the contract amount to $30,000, or 8 weeks to complete. He suggested keeping the amount and time flexible. (3) He suggested that the contract be for one year but renewable for another year. If the consultant does a good work for the first year, they have another chance to do another work. The flexibility should be up to Port staff. Mr. Cliff Jarrard concurred with Commissioner Lee's suggestions. Commissioner Lee reiterated the proposed amendments to the resolution. Mr. Wong concurred with the amendments. Legal Counsel Ambrose commented that there are no legal issues involved with the amendments.

Commissioner McCarthy inquired if the contract amount would be $300,000 or $150,000 for a one-year contract. Mr. Jarrard replied that it would be for $300,00 for two contracts, each for $150,000. Commissioner Lee clarified that the Commission is approving to spend $300,000 in two years. Commissioner Hardeman inquired if Mr. Jarrard is comfortable with Commissioner Lee's amendments to the item. Mr. Jarrard replied that he felt comfortable with any recommendations Commissioner Lee makes, as he is his mentor.

ACTION: Commissioner Lee moved approval, as amended; Commissioner McCarthy seconded the motion. All of the Commissioners were in favor; the resolution was adopted.

7. PLANNING & DEVELOPMENT

A. Presentation on proposed amendments to the San Francisco General Plan and Planning Code to implement the Waterfront Land Use Plan.

Ms. Diane Oshima, Port Planner, indicated that with the Commission's adoption of the Final Waterfront Land Use Plan in June, staff has worked closely with the Planning Department staff to prepare proposed amendments to the City's General Plan and Planning Code. The General Plan amendments were proposed by the Planning Commission staff to establish a consistent set of land use policies to guide implementation of Port projects under the Waterfront Plan and its Design and Access Element. The proposed Planning Code and Zoning Map amendments were proposed by the Port. The proposed amendments are scheduled for Planning Commission public hearings in September and action on October 16. A community meeting was held in September 10 to field questions from any interested citizens and waterfront interest groups regarding the proposed amendments.

Most of the proposed amendments were prepared and released to the public in June 1996. At that time, staff reviewed the proposed amendments in public meetings with the Waterfront Plan Advisory Board and Port Commission. Since then, further revisions have been made primarily to reflect the final Waterfront Design and Access element of the Waterfront Plan and to reflect further refinements in the Planning Commission review process for waterfront development projects.

The San Francisco General Plan is the City's official land use policy document that sets out land use or planning topics, or specific geographic areas of the City. There are components of the General Plan that apply specifically to Port properties that are out dated and is not consistent with the Waterfront Land Use Plan. The amendments proposed as part of the Waterfront Plan project affect: (1) the Northeastern Waterfront, (2) the Central Waterfront area plans, (3) the Commerce and Industry, and (4) the Recreation and Open Space elements.

Ms. Oshima indicated that as a result of the coordinated work effort, the Port and Planning Department staffs agree on all but one of the proposed amendments, related to views down public streets. Currently, the Northeastern Waterfront Plan includes a policy which calls for maintaining and enhancing existing grade level views to the Bay or bulkhead buildings from a number of streets, including Vallejo and Brannan Streets. The Port proposed that the Planning Department staff amend this policy to provide these views from Vallejo and Brannan Street, if feasible, for the following reasons, which will be presented to the Planning Commission for its consideration:

(1) In the Design and Access element, the Port has committed to preserving or creating numerous views of the Bay or historic resources from streets. Between Fisherman's Wharf and Pier 70, eleven streets will provide bay views and fourteen streets will provide views of historic waterfront buildings. In addition, the Design and Access element identifies 10 streets at the end of which new development will incorporate an architectural design with a strong waterfront identity.

(2) Vallejo and Brannan Streets terminate at two important development sites, Seawall Lots 323/324 at Broadway and the Embarcadero and Pier 30-32 in the South Beach area, respectively. The retention of street views of the Pier 9 bulkhead building (Vallejo Street) or the Bay (Brannan Street) would require an open corridor through the mid-section of each of these sites. Given the number of Waterfront Plan criteria which will have to be balanced and achieved in any development project for these sites, Port staff believes it is not prudent to commit to a policy in advance which gives priority to views over other desirable public and development objectives for these two sites. The Port is specifically sensitive to the trade-offs between preserving these view corridors and the provision of waterfront public access. Under the Port's Concept Agreement with BCDC and Save San Francisco Bay, the Port would allocate 25% of the net lease revenue from new developments into a public access fund to finance creation of three new waterfront public open spaces and improvement of shoreline appearance. It is possible that the retention of full view corridors through Seawall Lot 323/324 and

Pier 30-32 could require development program adjustments which reduce the amount of lease revenues that go into the public access fund. Port staff believes that the decision regarding the most appropriate approach to resolving this and other project-specific issues is through the joint design review process for individual development projects.

These issues will be presented to the Planning Commission on Thursday for their consideration. Planning Department staff indicated that while there may be policies that call for maintaining these view corridors, a new development project will be considered on balance and its consistency with the General Plan.

Ms. Oshima indicated that the Planning Code and Zoning Map designate "Special Use Districts" in certain geographic areas, which are subject to other specific controls. A summary comparison table of the existing and proposed Special Use Districts was included in the Commission's package. Under the current Planning Code, the vast majority of Port's properties are zoned M-1 (Light Industry), M-2 (Heavy Industrial) and C-2 (Community Business). In addition the piers from Hyde Street Pier to Pier 24-1/2 beneath the Bay Bridge, inclusive, and Seawall Lots 311-314 are in a Northern Waterfront Special Use District #1. Seawall Lots 315-324 and 322-1 north of Broadway are in a Northern Waterfront Special Use District #3 (NWSUD).

In NWSUD #1, any new non-maritime leases or new construction projects require conditional use authorization from the Planning Commission and are reviewed against general and specific use, design and other criteria in the San Francisco General Plan and Planning Code.

In NWSUD #3, any new uses proposed on seawall lot which are three acres or greater in size also require conditional use authorization, and reviewed against general and specific General Plan and Planning Code criteria. In addition, any requirements for conditional use authorizations for use (e.g. a hotel or residential on industrial zoned sites) on like-zoned sites in the rest of the City also apply to Port seawall lots.

Staff has proposed changes in those special use districts that would do the following:

(1) Special Use District #1, which applies to the piers: The boundaries would be revised so that all the piers from Fisherman's Wharf to Pier 40 (excluding the ballpark site) would be enveloped within this Special Use District. Any new development project would have to be consistent with the Waterfront Land Use Plan which also integrates BCDC, State Lands Commission use and local zoning restrictions. Those projects would be subject to design review process that is being proposed as part of these planning code amendments. The intent is to integrate what is now three separate processes that are exercised by the Port, the Planning Commission and BCDC to develop design recommendations that would get incorporated into the Port project that meets the City, BCDC and Port's Waterfront Land Use Plan objective.

(2) For the seawall lot in the Special Use District #3: The boundaries would be

expanded to pick up seawall lots in the South Beach area so that similarly to the piers there would also be a design review process for new development projects that would be proposed on sites of 1/2 acre in size or larger. The overall objective is to ensure that new waterfront development projects are compatible and integrated with the rest of the City and are consistent with the Waterfront Land Use Plan.

The following is a list of the other proposed code amendments:

(1) Various sections in the Planning Code would be revised to change the reference to the "Northern Waterfront Special Use District" to "Waterfront Special Use District."

(2) Addition of a new subsection to specifically define maritime uses and to declare that they would be principal, permitted, acceptable uses along the waterfront.

(3) Procedural amendments to Section 161(f) which would require that reductions in parking requirements for uses in WSUD #1 be granted by the Planning Department Director for permitted uses, and reductions to be permitted in WSUD #3 as well. Any proposed parking reduction for uses which require conditional use would continue to require approval by the Planning Commission as part of the conditional use process.

She then gave an overview of the development project review process. All of which involve some level of community input throughout the processes. The first phase is the development site selection process, where the Port Commission will select a site and determine which initial development concept they would like to consider for further study. The second phase is the opportunity in constraints analysis where Port staff will conduct a number of studies to address site restrictions, community issues and start coordination with Planning Department and BCDC to determine any regulatory or planning issues. The third phase would be the actual formal RFP process. In Phase 4, the developer will initiate the environmental review process and will initiate the project design phase, which would be subject to the joint design review process. Depending on the scale and size of the project, this is a fairly extended period to get through the environmental and project review process and will ultimately progress to Phase 5, the project approval phase.

Commissioner Herman indicated that considerable amount of time is spent regarding open space. Now, there is an appetite expressed at Vallejo Street to the seawall lot. Additionally, we're left in the dark about the right of the Port to develop Pier 30/32. He noted that this shouldn't be left, initially or thereafter, for some agency to make that decision. Port staff ought to have a definition of what open space is, what it is intended to be and what it intends to accomplish. Pier 30/32 is a premiere pier on the waterfront. It enhances opportunities for people to enjoy views, which is a legitimate aspiration, however, it is not legitimate if it inhibits the Port from doing what it has to do for development. There are rules and regulations. There are prohibitions to which the Port is obligated. He has never had any great clarity on the issue of open space

but understands the desirability of open space. However, there is an abundance of it right now. For the Port to be continually in a collision for those who advocate open space without regard to the consequences to the Port, he suggested legislating a minority. He recalled when there was some discussion about Pier 35 continuing forever as a passenger terminal and the people who were advocates of that made no bones about how they want to sit in their Pacific Heights or Russian Hill property and watch the passenger ships go by. There has to be something much more serious about those kinds of discussion that allow that kind of expectation. He is in favor of the Port having a free hand within rationale constraints to develop the property on this Port and guarantee revenue without damaging any of the benefits or assets that are inherent in the development of the Port. He thinks we are talking about holding in abeyance or having a quarrel with somebody else that does not have responsibility for the waterfront to see if we can do something other than put a facility at these two locations and other places that would guarantee a view. He thinks there is a tendency to overreach. He disagreed with the proposition that open space is more important than commercial development at the Port. He suggested that Port staff define the objectives of open space. He suggested taking a survey and telling people of what the Port has with respect to open space. He suggested asserting the Port's broad responsibilities in terms of free reign on development that is sensitive to whatever the definition of open space and explain the status quo on Pier 30/32. One of the relatively new things in the seafaring market is huge passenger ship. The most logical place to have a new cruise terminal would be Pier 30/32. The Port Commission some years back approved it. However, concurrent with the depression of a few years back, the money dried up. We are now told that while that might have been a good idea then, there's an even better idea now.

Commissioner Hardeman reiterated that Ms. Oshima is taking the same position that Commissioner Herman spoke about. Ms. Oshima indicated that Commissioner Herman made a lot of good points. She concurred with Commissioner Herman that there is an incredible amount of open space and public access that not only is opened by virtue of not having a lot of development along the waterfront but because of City and Port efforts and major investment of funds to create the Embarcadero Promenade, Pier 7, the Ferry Terminal public access program, which the Port is not duly recognize for. She clarified that Pier 30/32 is a development site and we are not talking about the entire pier being open space. She concurred with Commissioner Herman's comments with regard to open space and public access development along the waterfront. She indicated that because there are specified areas in the Waterfront Land Use Plan and Design & Access Element where new open spaces could occur that would compliment, catalyze the activity and the revitalization of the waterfront including any development in Pier 30/32. This is only going to be developed if the Port is able to get development projects that generate real revenues to the Port so that a portion of it can be allocated to the future development of additional public access. In the case of Pier 30/32 where it is recognized as an ideal cruise terminal site, it has a lot of other opportunities in terms of providing public recreation and commercial uses. However, there needs to be some flexibility to work out a development program that is going to meet all of those objectives. To declare in isolation at this point in time that the view corridor through that site be left open space is premature

and does not allow for the give-and-take on consideration of other legitimate public objectives in the context of specific development projects.

Commissioner Herman indicated that we are arguing absent any example of a development site that anyone aspires to at this moment. He knows that once you agree to one, it will be there forever. He suggested staff to proceed with extraordinary caution. He now hears, for the first time, a playland at Pier 30/32. He reminded everyone that we are not short of magnificent areas where people can engage in all kinds of sports and whatever you might want to have at Pier 30/32. He strongly believes that this is the San Francisco waterfront and inherent in that is at least some remnant of hope that we can do something about shipping. We are effectively pre-empted when there is something we could have done. What he is commenting to are those people who somehow get on first base with a nice declaration that we shouldn't do this but let's have open space. An objective look tells us that perhaps we could look at this after enough time has elapsed for the feasibility of maritime and other legitimate Port development.

Commissioner McCarthy asked if it is appropriate for the Port Commission to send a statement to the Planning Commission supporting staff's and Commissioner Herman's point of view that there needs to be flexibility around these particular areas. Ms. Oshima stated that the Planning Department staff is forwarding the proposed amendments to the General Plan. Port staff has had a good working relationship with them and that they are forwarding the proposed amendments with our support with the exception of this one issue. Ms. Oshima intends to present this view corridor issue to the Planning Commission on Thursday. She will convey in that presentation the fact that the Port Commission has expressed their concerns and concurs with the points that she will be presenting to the Planning Commission so that Planning Commission can duly consider the weight of the concern regarding these view corridors.

Commissioner McCarthy asked if the Planning Commission will vote on this issue at Thursday's meeting. Ms. Oshima replied that they will be voting on allowing the initiation of the amendments or to consider the amendments. The Planning Commission will consider adopting the amendments at their meeting of October 16. Commissioner McCarthy asked if the Port Commission will have a chance to voice their opinions on this matter. Ms. Oshima indicated that the Port Commissioners are welcome to attend and speak at the Planning Commission hearing. While there are policies in the General Plan that call for keeping these view corridors open there are also proposed amendments that support the notion of maximizing maritime opportunities providing for commercial recreation and commercial development opportunities along the waterfront. There are a number of other proposed policies that the Planning Commission staff is forwarding for consideration by their Commission that would support other aspects of the Waterfront Land Use Plan i.e. when a project has come before the Planning Commission it has gone through a process of weighing all of the relevant policies of the General Plan to determine on balance whether a project is consistent with the General Plan. The fact that a project may not score high in a couple of different policies may not necessarily mean that the Planning Commission disagrees with the appropriateness of the project. Both staffs

are trying to establish on balance a consistent land use policy basis for the Port and the Planning Department to work together in the future with common ground objectives to ensure that the waterfront development projects embody things that are embraced by the Port and the Planning Commission.

Commissioner McCarthy indicated that there needs to be some kind of specific comments from the Port Commission at this first hearing that conveys the Commission's concern to have as much flexibility as possible specifically around these particular areas. Ms. Oshima indicated that she will convey the Commission's comments at the Planning Commission hearing.

Commissioner Hardeman indicated that he feels stronger than Commissioner Herman. He does not want any restrictions at all about what this Commission does. The Port Commission approved the Waterfront Plan and does not want any other department telling the Port Commission when and when not we should use the view corridors. This is something that we should work out at this time. A strong message should be that this Commission will make that determination. The Commission supports staff's recommendation and does not want this restriction. Commissioner Hardeman reiterated that this Commission does not want to have another Commission directing them.

Ms. Oshima clarified that what we are talking about in this joint review process is those urban design guidelines be recognized by the Planning Department, the Port and BCDC staffs to ensure that future projects along the waterfront are consistent with the recognized policies. Ms. Oshima stated she will report back to the Port Commission what transpired at the Planning Commission hearing.

8. FINANCE AND ADMINISTRATION

A. Authorization to request a Supplemental Appropriation for $2,000,000 to fund a portion of the cost of repair to the marginal wharves from Pier 1-½ to Pier 5 in order to accommodate the new promenade for the Mid-Embarcadero Roadway Project. (Resolution No. 97-79)

Mr. Ben Kutnick, Director of Finance and Administration, indicated that staff requests approval of $2 million for shoring of marginal wharves to support the bulkhead buildings at Piers 1-1/2 to Pier 5. The bulkhead buildings are in danger of being condemned because they are in poor condition. The overall cost is $3.5 million; the cost of the repair of the beams and decking is estimated at $1.5 million which will be paid by the transportation funding. Port staff estimates that an additional $2 million is needed to fund shoring, tenant relocation costs and architectural finishes. The Federal Transportation fund does not cover these types of costs. The proposed funding for this work is the Port's operating surplus that was previously appropriated for earthquake repairs. In 1991, the Port appropriated $6,374,971 to cover the anticipated shortfall necessary to fund the difference between the estimated costs of repairs related to the Loma Prieta earthquake and the estimated amount to be received by FEMA and OES. The Port has been successful in obtaining an additional DSR's

from FEMA to cover some of the costs of these repairs. To date, the Port has expended $95,002 of the original appropriation. The Port's engineering staff estimates that at least an additional $809,119 will be needed to complete three more projects for a total of $904,121. While this amount may increase, Mr. Kutnick is confident that it will fall below the $6.3 million and well enough below that he feels comfortable recommending to reappropriate $2 million of that $6.3 million for this project. The alternative would be to use $2 million allocated to the Capital Plan, which essentially means no other projects could be funded at this time. He thinks this is a good investment by the Port. He believed that this project would easily pay for itself in the next few years.

Commissioner Lee feels strongly about getting this job done. He has had a conversation with Cliff Jarrard and Alex Lee and understands the importance of this project. He also understands that there is a consultant who is not willing to step forward and take the responsibility to do the work because there is some liability. He indicated that this type of work has more than one solution and he suggested that staff find the best consultant available to come up with an excellent solution that is workable and who will find the best way to use the funds. Commissioner Lee offered his services, free of charge.

Commissioner McCarthy asked if this is in the capital budget and if staff was aware of the severity of the situation. Mr. Kutnick replied that this project was not included in the capital plan. Over the years, Cliff Jarrard and his staff have made Mr. Kutnick aware that a lot of the Port's infrastructure needs improvements. The repair of the bulkhead buildings needs to be addressed now. He also suspects that there are similar situations along the waterfront and staff hopes to find other sources of funding. Staff would like to address them before until they become public safety issues. Commissioner McCarthy asked if this was included in the pier conditions presented for the Waterfront Land Use Plan. Mr. Jarrard clarified that this particular project was in the capital plan but did not get funded. The Waterfront Transportation Project has proceeded along because of the additional loading on the marginal wharf. It's been known to be a problem for some time and it is one of the worst situations on the waterfront. This work will be confined to the marginal wharf, which is essentially the first section from the seawall lot.

Commissioner Herman inquired if the underpinning on Pier 1 is in good shape. Mr. Jarrard replied to the affirmative.

Commissioner Lee asked that he be informed of the status of this project. Mr. Kutnick suggested that Cliff and Alex will keep him apprised of the situation. Commissioner Hardeman inquired about the financial condition of the Port. Mr. Kutnick replied that the financial condition of the Port is good, it has gotten significantly better over the last few years. The auditors are currently conducting the audits and will know the exact numbers by next month. He indicated that the Port made a profit of $2 million two years ago; last year $4 million and this year, looks better.

ACTION: Commissioner Lee moved approval; Commissioner McCarthy seconded the motion. All of the Commissioners were in favor; the resolution was adopted.

9. CONSENT CALENDAR

10. NEW BUSINESS / PUBLIC COMMENT

Charlie Walker indicated that, to their chagrin, according to a study, the Bayview Hunters Point has the highest rate of cancer anywhere in the United States of African American women and lead poisoning among children. Approximately a month ago, they learned that this Commission is going to have a wetland area bordering Hunter's Point which is going to create a lot of mosquitoes. He has since spoken to the Mayor about this matter. He indicated that very few people knew anything of this wetland. He agreed with Commissioner Herman that San Francisco has a lot of open space but he's sure that the Port can find more to do with the land adjacent to Hunter's Point than open up a keg of worms that is going to create mosquitoes and create more disease and infestation in the community. He does not know the current status of this project since they just found out about it. He is a member of the Citizens Advisory Committee and would like to be kept abreast of what's going on particularly with the Hunters Point area. He formally informed and emphasized to the Commission that they don't want any wetlands adjacent to Hunter's Point that create those mosquitoes.

Commissioner Hardeman directed Executive Director Wong to assign a staff person to discuss this issue with Mr. Walker at the conclusion of the meeting.

Commissioner Hardeman indicated that at Mayor Brown's request, this Commission will schedule an executive session for the purpose of evaluating department heads and managers regarding pay-for-performance in cooperation with the Municipal Executives Association. An executive session will be scheduled on October 14 to discuss this matter. If necessary, another executive session will be scheduled on October 28.

11. EXECUTIVE SESSION

At 6:13 p.m., the Commission Secretary announced that the Commission would withdraw to executive session to discuss the following:

A. CONFERENCE WITH REAL PROPERTY NEGOTIATOR - ***This session is closed to any non-City/Port representative.****

Property: Port property located within Mission Bay, generally bounded by Terry Francois Boulevard, Illinois Street and Mission Rock.
Person Negotiating:
Port of San Francisco Representative: Douglas F. Wong, Executive Director
*Catellus Representative: Doug Stimpson, Vice President & Chief Financial Officer

An executive session has been calendared to discuss real property negotiations

between the Port of San Francisco and Catellus regarding Port Land Transfer Agreement. This is specifically authorized under California Government Code Section 54956.8

B. CONFERENCE WITH LEGAL COUNSEL REGARDING ANTICIPATED AND EXISTING LITIGATION MATTERS:

1) Discuss significant exposure to litigation pursuant to subdivision (b) of California Government Code Section 54956.9 (1 case).

2) Discuss existing litigation matters pursuant to subdivision (a) of California Government Code Section 54956.9 (2 cases)

(a) CICO v. CCSF; San Francisco Superior Court No. 989618
(b) CICO v. CCSF; San Francisco Superior Court No. 989294

At 7:10 p.m., Commissioners Hardeman, McCarthy, Lee and Herman returned from executive session and convened in open session. Commissioner Brandon was excused at 7:00 p.m.

ACTION: Commissioner McCarthy moved approval to not disclose any information discussed in the executive session. Commissioner Lee seconded the motion. All of the Commissioners were in favor.

The meeting was adjourned at 7:12 p.m.

Gerald A. Gherardi
Commission Secretary